

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION  
4   IN RE NATIONAL PRESCRIPTION     | MDL No. 2804  
5                   |  
6   OPIATE LITIGATION                | Case No. 17-MD-2804  
7                   |  
8   This Document Relates to:       | Hon. Dan A. Polster  
9                   |  
10   The County of Summit, Ohio,     |  
11   et al., v.                         |  
12   Purdue Pharma L.P., et al.       |  
13   Case No. 17-op-45004             |  
14                   |  
15   The County of Cuyahoga v.        |  
16   Purdue Pharma L.P., et al.       |  
17   Case No. 18-op-45090             |  
18                   |  
19   City of Cleveland, Ohio v.       |  
20   Purdue Pharma L.P., et al.       |  
21   Case No. 18-op-45132             |

22                   |  
23                   - - -  
24                   Friday, December 7, 2018  
25                   - - -

26                   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
27                   CONFIDENTIALITY REVIEW  
28                   - - -

29                   Videotaped deposition of WILLIAM VERSOSKY,  
30                   held at Foley & Lardner LLP, One Biscayne Tower,  
31                   2 Biscayne Boulevard, Suite 1900, Miami, Florida,  
32                   commencing at 9:25 a.m., on the above date,  
33                   before Susan D. Wasilewski, Registered  
34                   Professional Reporter, Certified Realtime  
35                   Reporter and Certified Realtime Captioner.

36                   - - -  
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2 THE VIDEOGRAPHER: We are now on the record.  
3 My name is Jeff Fleming. I am a videographer for  
4 Golkow Litigation Services. Today's date is  
5 December 7th, 2018. The time is 9:25 a.m.

6 This video deposition is being held in  
7 Miami, Florida, in the matter of National  
8 Prescription Opiate Litigation, MDL Number 2804,  
9 for the United States District Court, Northern  
10 District of Ohio, Eastern Division. The deponent  
11 is William Versosky.

12 Counsel, please introduce yourselves for the  
13 record.

14 MR. PENNOCK: Paul Pennock, Weitz &  
15 Luxenberg, for the plaintiffs.

16 MR. KING: Burton King, Weitz & Luxenberg,  
17 for the plaintiffs.

18 MS. KOSKI: Katy Koski, Foley & Lardner for  
19 Anda, Inc., and the witness, Mr. Versosky.

20 MS. HERRERA: Sujei Herrera for -- from Reed  
21 Smith for AmerisourceBergen Drug Corporation.

22 MS. KOSKI: Folks on the phone, can you  
23 identify yourselves?

24 MS. ADAMS: I'm Katelyn Adams with Williams  
25 & Connolly on behalf of Cardinal Health.



1 MS. MARTINI MIKA: Caitlin Martini Mika from  
2 Arnold & Porter on behalf of Endo Health  
3 Solutions, Inc., Endo Pharmaceuticals, Inc., Par  
4 Pharmaceutical, Inc., Par Pharmaceutical  
5 Companies, Inc., f/k/a Par Pharmaceutical  
6 Holdings, Inc.

7 MR. MANNIX: Paul Mannix with Marcus &  
8 Shapira on behalf of HBC Services.

9 MS. BORSAY: Casteel Borsay with Jones Day  
10 on behalf of Walmart.

11 THE VIDEOGRAPHER: Thank you.

12 The court reporter is Susan Wasilewski and  
13 will now swear in the witness.

14 THE COURT REPORTER: Sir, would you raise  
15 your right hand?

16 Do you solemnly swear or affirm the  
17 testimony you're about to give will be the truth,  
18 the whole truth, and nothing but the truth?

19 THE WITNESS: Yes.

20 THE COURT REPORTER: Thank you.

21 WILLIAM VERSOSKY, called as a witness by the  
22 Plaintiffs, having been duly sworn, testified as  
23 follows:

24 DIRECT EXAMINATION

25 BY MR. PENNOCK:

1 Q. Good morning, Mr. Versosky. My name is Paul  
2 Pennock. I'm going to have a lot of questions for  
3 you today.

4 A. Sure.

5 Q. If at any time you don't understand my  
6 questions, will you let me know?

7 A. Uh-huh.

8 Q. If you don't, I'm going to assume that you  
9 understood them. Is -- can we have that agreement?

10 A. Sure.

11 Q. Where are you currently working?

12 A. I'm consulting right now. So -- I'm doing  
13 consulting.

14 Q. Are you with any particular employer, or are  
15 you self-employed?

16 A. I -- I have a -- I have an agree -- I'm  
17 self-employed as a consulter. I have an agreement  
18 with ABC from a consulting standpoint.

19 Q. Okay. Are you working for or consulting for  
20 any particular clients right now? You mentioned --

21 A. I -- AmerisourceBergen is a client.

22 Q. Oh, ABC is AmerisourceBergen?

23 A. Yes. I'm sorry.

24 Q. Okay. Anyone else?

25 A. Not at this point.

1 Q. And is that what you've been doing since you  
2 left the employ of Anda?

3 A. No, not really. That's been probably the  
4 last -- it's basically this year. Prior to that, I  
5 wasn't really doing anything.

6 Q. You left Anda around April 2016; is that  
7 right?

8 A. That's correct.

9 Q. And did you leave of your own accord or were  
10 you asked to leave?

11 A. I left of my own accord, but I did get a  
12 package.

13 Q. Okay. So tell me how that worked.

14 MS. KOSKI: Object to form.

15 THE WITNESS: What's that?

16 MS. KOSKI: You can go ahead.

17 A. I'm sorry.

18 So there was kind of a leadership change at  
19 Anda. So Chip Phillips came in, replaced Al  
20 Paonessa. You know, with any leadership change, I  
21 think he was looking to shake things up a little  
22 bit. For me, you know, I was kind of ready to move  
23 on. The fact that there was a new leader of Anda  
24 sort of meant that there was no advancement possible  
25 for me in that -- in that role, and so I kind of was

1 done.

2 So between Chip and I and him kind of  
3 figuring out how was he going to build his team  
4 going forward, I wasn't really willing or able to  
5 commit long-term. So we worked out, you know, a  
6 deal where I would exit the company. I kind of  
7 stayed a little longer than I would have liked, you  
8 know, to be able to transition things away, and he  
9 gave me a package on the way out.

10 Q. Okay. What was the package that they gave  
11 you?

12 A. There was a -- at that time, it was --  
13 Pfizer was about to buy Allergan, and so there was a  
14 standard package available. And for me  
15 specifically, I believe it was -- I think I got paid  
16 for a year-and-a-half with, I think, a two-year  
17 noncompete.

18 Q. Anything else in the package?

19 A. Within that year-and-a-half, any theoretical  
20 stock that was remaining was -- was, you know,  
21 vested as if I was an employee.

22 Q. Sir, you worked for a -- well, let me back  
23 up.

24 You are William Versosky, correct?

25 A. I am, yes. Yes.

1 Q. And you got out of college in 1999; is that  
2 right?

3 A. I believe so, yeah.

4 Q. And you went to work after college for a  
5 couple of different places. But in 2003, you ended  
6 up working for a company known as Anda; is that  
7 right?

8 A. Yes. Yes.

9 Q. And that's A-n-d-a, right?

10 A. Yes.

11 Q. And when you -- you went to work for Anda,  
12 tell us what that company did for their business in  
13 2003?

14 A. Sure. So Anda is a or was a distributor of  
15 predominantly generic pharmaceuticals to, again,  
16 back then, predominantly independent pharmacies. So  
17 they were a wholesaler or a middle man buying  
18 product from generic manufacturers and then  
19 reselling it to mom-and-pop pharmacies.

20 Q. Now, you were at Anda for about almost 13  
21 years, right?

22 A. Yes. Yes.

23 Q. And in -- well, about two-and-a-half years  
24 after you were there, you were first promoted; is  
25 that right?

1 A. Correct. Yeah.

2 Q. So tell us what you did first and then what  
3 you did once you were promoted.

4 A. What -- so what I was brought in to do and  
5 what I did first was I was one of the negotiators  
6 with generic manufacturers for buy-side contracts.  
7 So we would, you know, reach out to the  
8 manufacturers and kind of negotiate our price on any  
9 generic drug.

10 The promotion -- I -- I believe it was an  
11 in-line promotion, honestly. Am I able to -- are  
12 you able to share a copy of my résumé there, or no?

13 Q. I can give you a copy; but you started out,  
14 as I understand it, as a director of purchasing?

15 A. Correct.

16 Q. Right?

17 A. Yes.

18 Q. And then you went and became senior director  
19 of purchasing --

20 A. Yeah.

21 Q. -- and trade relations, right?

22 A. Yes.

23 Q. And that was in -- so you started out in  
24 November '03, you were promoted in May of 2006?

25 A. Yes.

1 Q. Right?

2 A. Yes.

3 Q. And then in June of 2007, you were again  
4 promoted to senior director program development?

5 A. Yes.

6 Q. And then in February 2008, you were promoted  
7 again, but now you became vice -- a vice president?

8 A. Yes.

9 Q. And so you became vice president for  
10 national accounts at Anda, right?

11 A. Correct. Yes.

12 Q. And national accounts dealt primarily with  
13 the major chain pharmacies, right?

14 MS. KOSKI: Object to form.

15 A. Yeah. That -- that was the goal, right?  
16 Back then, when that promotion occurred, they really  
17 didn't have a lot of business with kind of larger  
18 customers. Over time it evolved into that.

19 At that time when I -- when I was promoted,  
20 they were really selling to -- we'll call it very  
21 small chains, retail independent buying groups, and,  
22 you know, maybe some long-term care accounts.

23 Q. So when you were promoted to vice president  
24 for national accounts, one of the things you wanted  
25 to do was to expand Anda's business, right?

1           A.    Yes.    Yes.

2           Q.    And you wanted to expand their business  
3           specifically into major retail chains of  
4           pharmacies --

5           A.    We wanted to find larger customers for sure.

6           Q.    Okay.   And the last promotion that you got  
7           was in May of 2010, right?

8           A.    Yes.

9           Q.    And at that time, you became vice president  
10          for all of sales and marketing, right?

11          A.    Yes.    In -- it's interesting in title,  
12          right?   So what happened there was there was a  
13          gentleman who was running the marketing department  
14          who moved into purchasing.   So Marc Falkin was  
15          running marketing.   He moved into purchasing.   I  
16          absorbed the marketing department, and that title  
17          change was reflective of me now running national  
18          accounts and marketing.

19                There was a separate gentleman who ran sales  
20          for what we called inside sales or telesales.

21          Q.    Okay.

22          A.    So I -- the sales to the mom-and-pop  
23          pharmacies was still managed separately.

24          Q.    Okay.   But nevertheless, in May of 2010, you  
25          received a promotion?



1 A. Yes. Yes. Yes.

2 Q. Okay. And it was a promotion to handle and  
3 be responsible not just for national accounts, but  
4 for all sales and marketing?

5 A. No. No. That's what I was just trying to  
6 clarify for you.

7 Q. There was someone else that did telesales?

8 A. There was someone else that did telesales.

9 Q. Okay. So other than telesales, you were in  
10 charge of sales?

11 A. Correct. But from -- as a point of  
12 clarification, owning the marketing department, I  
13 did have interaction with the telesales. I wasn't  
14 responsible for their number or for their management  
15 of their people or anything like that.

16 Q. You had indicated on your résumé that you  
17 were part of the leadership team at Anda?

18 A. Yes.

19 Q. Right?

20 A. Yes.

21 Q. And that meant that you were interacting  
22 with the -- with whom? The other VPs?

23 A. Yeah. Yeah, it was the other VPs, the other  
24 kind of functional heads of departments.

25 Q. Okay. So would you agree that as of 2010,

1       you had risen to the level of -- at Anda where you  
2       were one of the people helping to run the company?

3           A.     Sure. I think that's a fair assessment.

4           Q.     Now, when you got to Anda in 2003, did you  
5       at any time in your initial role with Anda have  
6       involvement with the purchasing of opiates?

7           A.     Yes.

8           Q.     Okay. And what do you recall about  
9       purchasing of opiates in 2003 that you were  
10      responsible for?

11           MS. KOSKI: Object to form.

12           A.     Yeah, I don't know that I recall anything  
13      specific to the opiates with the exception of, you  
14      know, obviously they were controlled substances, you  
15      know. But from a -- the role that I managed in --  
16      on the purchasing team was the negotiations role,  
17      trying to figure out what was the cost we were going  
18      to pay from the manufacturer. So we were, you know,  
19      bidding those products, those manufacturers against  
20      each other, trying to get lower costs.

21           Q.     So when you went there in 2003 and you were  
22      bidding those manufacturers to get lower costs for  
23      opiates, you mentioned that opiates were a  
24      controlled substance.

25           A.     Uh-huh.

1 Q. So you knew that?

2 A. Yes.

3 Q. And did you know what that meant?

4 A. Yes.

5 Q. And you understood that it -- that most of  
6 the opiates at that time at least were -- we'll call  
7 it -- can we call them CIIs?

8 A. Yes.

9 Q. And CIIs means that the only more controlled  
10 opiate would -- or the only more controlled  
11 substance would be substances nobody can sell  
12 legally, right, CIs?

13 MS. KOSKI: Object to form.

14 A. Yes.

15 Q. Right. And so the CIIs were the most  
16 controlled substances that could be sold legally?

17 A. Yes.

18 MS. KOSKI: Object to form.

19 Q. Now, at the time that you first went --  
20 became involved in any way with purchasing opiates,  
21 did you -- were you provided any training with  
22 respect to opiates and their use?

23 A. I don't recall receiving any training, no.

24 Q. Did you do any reading or educate yourself  
25 with respect to opiates?

1           A.    I would say yes.  I don't know that anything  
2           specific, but I had been in the -- in the  
3           pharmaceutical industry for some time at the point  
4           when I went to Anda, so I was generally aware.

5           Q.    You'd been in the industry.  You've worked  
6           as a financial consultant for a company --

7           A.    So --

8           Q.    -- a pharmacy for about a year and then you  
9           went to work for another --

10          A.    Well, the -- so the -- the interesting part  
11          is, as you read my résumé literally there, the -- I  
12          worked for PCS Health Systems kind of through --  
13          from high school through when I went to Anda.  That  
14          company was bought and sold several times, similar  
15          to Anda, where I think the company you're  
16          referencing there was one of the owners; and my role  
17          as a financial analyst on that team was, you know,  
18          part of their buying team.  So it was as kind of my  
19          first entry into the purchasing side of the  
20          pharmaceutical business.

21          Q.    Okay.  So opioids were not a mystery to you  
22          when you went to Anda?

23          A.    No.

24          Q.    And when you went to Anda, you understood  
25          that opioids could be addictive?

1 MS. KOSKI: Object to form.

2 A. Yes. I would say, though, from a  
3 clarification standpoint, I think, you know, CIIs as  
4 opposed to opioids, I don't know if those are the  
5 opioids specifically. I think there are other --

6 Q. Oh, okay.

7 A. -- controlled substances --

8 Q. That's fine. You -- did you understand when  
9 you went to Anda in 2003 that CII opioids could be  
10 addictive?

11 A. Sure. Yes.

12 MS. KOSKI: Object to form. Excuse me for a  
13 second. You guys -- just a little pause if I  
14 need to object.

15 THE WITNESS: Okay.

16 MS. KOSKI: Thank you.

17 Q. Okay. So we -- from the time that you got  
18 there, you were initially involved -- withdrawn.

19 I'll tell you that I'm obviously going to  
20 focus my questioning today on opioids, and you may  
21 have been doing other --

22 A. Yeah.

23 Q. -- purchasing for other pharmaceuticals.

24 You understand that, right?

25 A. Yes.

1 Q. Okay. But I'm going to be talking about  
2 opioids.

3 So one of the things you were doing when you  
4 got there in '03 was you were involved in the  
5 purchasing of opioids. You already mentioned that,  
6 right?

7 A. Uh-huh.

8 Q. Correct?

9 A. Yeah.

10 Q. And you, from that point in time, until when  
11 you left in April of 2016, throughout that entire  
12 course, in one -- whatever role you were in, you had  
13 some activity with regard to opioids, correct?

14 MS. KOSKI: Object to form.

15 A. Yes.

16 Q. Okay. In other words, if you were maybe in  
17 some early on, you were involved in purchasing  
18 opioids, right?

19 A. Uh-huh.

20 Q. Correct?

21 A. Yes.

22 Q. And then -- and then subsequently, you  
23 became involved in the sales of opioids, right?

24 A. Yes.

25 Q. And you became involved in the marketing of

1       opioids, right?

2                   MS. KOSKI:   Object to form.

3       A.    I don't know that we -- we did -- no, we  
4       didn't market opioids.  I guess I think of  
5       marketing, when you say "marketing," as, you know,  
6       advertising or something like that.

7       Q.    So when you were there, at no time did you  
8       do any advertising for opioids?

9       A.    The -- I would say -- I can really only  
10      speak to my time when I took over marketing and  
11      going forward --

12      Q.    Uh-huh.

13      A.    -- and I believe the answer to that is we  
14      did not.  What we would promote was -- we were  
15      promoting programs related to trying to get  
16      customers to purchase their controlled substances  
17      using Anda as a secondary or option to buy their  
18      controlled substances through us.

19      Q.    Okay.  So -- so with respect to opioids,  
20      from the time you took over being VP of sales, you  
21      were involved, of course, in the sale of opioids,  
22      right?

23      A.    Yes.

24      Q.    And you did not -- according to you, you did  
25      not market opioids?

1 MS. KOSKI: Object to form.

2 Q. Right?

3 A. Correct.

4 Q. But you were involved in promoting to  
5 customers opioids for purchase based on essentially  
6 pricing or other benefits you might confer on them,  
7 right?

8 MS. KOSKI: Object to form.

9 A. Not necessarily pricing; but again, as part  
10 of a larger CII program, yes.

11 Q. What do you mean by "as part of a larger CII  
12 program"?

13 A. Again, my team wasn't necessarily trying to  
14 sell an individual product. It wasn't really a  
15 transactional sell. It was a program-based sell.  
16 So we were going to large customers saying, you  
17 know, not -- you know, "Will you buy product X from  
18 us." It was more, "Will you buy" -- "will you take  
19 your control volume and put a portion of that  
20 through Anda as opposed to through someone else."

21 Q. So will you take -- so when you were --  
22 withdrawn.

23 MR. PENNOCK: One second. I want to ask the  
24 videographer. Are you having any problem with  
25 the buttons, his buttons on his jacket scratching



1 on the table?

2 THE VIDEOGRAPHER: No.

3 MR. PENNOCK: You're not picking that up?

4 THE VIDEOGRAPHER: I heard a -- I heard one  
5 scratch.

6 MR. PENNOCK: Okay. Let me know if it  
7 becomes -- I don't want that playing through the  
8 whole tape.

9 THE VIDEOGRAPHER: Okay.

10 MR. PENNOCK: Okay.

11 THE WITNESS: I'll try to be cognizant of  
12 that. Sorry.

13 MR. PENNOCK: That's okay. It's not your --  
14 not your issue.

15 BY MR. PENNOCK:

16 Q. But -- okay. So you would certainly be  
17 involved in promoting CIIs to customers, right?

18 A. Yes.

19 MS. KOSKI: Object to form.

20 A. Yes.

21 Q. But you're saying that at no time were you  
22 involved in promoting a particular opioid to a  
23 customer. Is that what you're saying?

24 A. Look, I -- it's hard to say "at no time,"  
25 like it never happened, but that wasn't what our

1 team did. Our team wasn't a transactional sell an  
2 individual product team. It's not -- that wasn't  
3 what our goal was out there.

4 Q. What about --

5 A. Our goal was --

6 Q. Okay.

7 A. -- selling larger programs. And, yes,  
8 opioids would have been part of a CII program, and  
9 we were actively promoting CII programs to  
10 customers.

11 Q. What about promoting not a particular  
12 opioid, but opioids as a group?

13 A. I don't recall that that ever happened.

14 Q. Okay. So from 2003 to 2012 -- I'm sorry.  
15 Withdrawn.

16 From 2003 till April 2016, I think we've  
17 established you did have some activity with -- in  
18 your company with respect to opioids throughout that  
19 entire time period; is that correct?

20 A. Yes.

21 Q. Okay. Now, during -- from 2003 to 2016,  
22 when you left, there was an e-mail system that  
23 existed at Anda, correct?

24 A. Yes.

25 Q. Did you have a particular practice of not

1 using that e-mail system, you yourself?

2 A. No.

3 Q. Okay. Did you have a particular practice of  
4 regularly deleting your e-mails?

5 A. No.

6 Q. And you --

7 A. I was like most people in that I used my  
8 e-mail sort of as my filing system. I think there  
9 were -- over the course of, you know, 13 years, I  
10 believe there were different times where the e-mail  
11 system changed or, you know, I think they -- towards  
12 the end of my time there, I think they started, you  
13 know, allowing you almost -- only so much space and  
14 things like that that would potentially purge some  
15 e-mails, but --

16 Q. Okay. And did you use your e-mail like many  
17 people, to speak with people about issues?

18 A. Yes.

19 Q. So would it surprise you to learn that  
20 for -- from 2003 to 2016, when you left, from when  
21 you started until when you left, there are only  
22 approximately 167 e-mails with your name on it as a  
23 "from," a "to," or a "CC" --

24 MS. KOSKI: Object to form.

25 Q. -- that relate in some way to opioids, 167?

1 MS. KOSKI: I'm going to object.

2 Hold on for a second.

3 THE WITNESS: Yeah.

4 MS. KOSKI: I think that --

5 MR. PENNOCK: Excuse me?

6 MS. KOSKI: This is an issue that if you had  
7 an issue with those documents and you had a  
8 question about them, you could have asked counsel  
9 in advance. I don't -- Mr. Versosky doesn't work  
10 at the company anymore.

11 We, you know, obviously as part of the  
12 discovery process --

13 MR. PENNOCK: Look, I'm going -- look. The  
14 protocol is clear as to speaking objections. If  
15 you have an objection, okay?

16 MS. KOSKI: It's also an improper question.

17 MR. PENNOCK: Well, I don't think it's  
18 improper at all.

19 MS. KOSKI: You're asking about something he  
20 doesn't know about.

21 MR. PENNOCK: That's fine. The judge can  
22 decide that and strike it.

23 BY MR. PENNOCK:

24 Q. Let me rephrase the question.

25 A. Sure.

1 Q. Okay. So --

2 A. I -- I don't think --

3 Q. You get what I'm driving at?

4 A. Yeah. I don't think you need to rephrase  
5 the question.

6 Q. Okay.

7 A. I -- you know, does it surprise me there is  
8 only 167 with me on them? I think as I -- as I  
9 described to you, we were more looking at programs,  
10 not necessarily opioids. It is a long time, 167, I  
11 mean, that's --

12 Q. Well, it was -- it was even -- let's just  
13 say --

14 MR. PENNOCK: We're getting the buttons on  
15 the video.

16 THE WITNESS: Want me to try to keep my arms  
17 below the table?

18 MR. PENNOCK: Well, I don't -- I want you to  
19 be comfortable, but maybe there is something -- I  
20 don't know how to solve it.

21 BY MR. PENNOCK:

22 Q. Okay. Let's say if from -- if I told you  
23 from May 2003 to when you left in April 2016 --

24 A. Sure.

25 Q. -- there were only 167 e-mails that you sent

1       that related to opioids, that would surprise you,  
2       wouldn't it?

3               MS. KOSKI: Object to form.

4       A.    Yeah, I don't -- I don't know. Again, I --  
5       thinking about, like, the purchasing role, I don't  
6       know that we were speaking about opioids  
7       specifically, you know, anywhere. We would have  
8       been speaking about a product contract, a  
9       manufacturer -- a new contract happening with a  
10      manufacturer that may or may not have been selling  
11      opioids.

12             On the sales side, we wouldn't have been  
13      speaking specifically about opioids. We would have  
14      been speaking related to a controlled substance  
15      program or a customer as opposed to the products.

16      Q.    So what you're telling us is that if you  
17      sent only 167 e-mails that related to opioids  
18      between the time you started in 2003 to the time you  
19      left in April 2016, that's not something that seems  
20      unusual to you?

21             MS. KOSKI: Object to form.

22      A.    I think it's possible. I think it's  
23      possible. 167 over, you know, 13 years, what is  
24      that, 10 a year.

25      Q.    You do know that we're relying upon the

1 truth of your answers here today, don't you?

2 A. I do.

3 MS. KOSKI: Object to the form.

4 A. I do. I'm trying -- I'm trying to be --

5 Q. Okay.

6 A. -- truthful.

7 MS. KOSKI: And, again, Paul, if you want to  
8 off the record ask us about the number of  
9 documents that he doesn't know anything about,  
10 you can ask us about it.

11 A. My assumption is you have all the data, so  
12 I --

13 BY MR. PENNOCK:

14 Q. So at some point -- well, withdrawn.

15 So it -- I want to understand and be clear.  
16 At no time before you left the company did you make  
17 any effort to delete e-mails from you that related  
18 to opioids?

19 A. No.

20 Q. Are you familiar with or you've heard of  
21 the -- you know, the DEA letters that came from a  
22 DEA agent in 2006 and 2007 regarding opioids?

23 A. Came to --

24 Q. To the company.

25 A. Not specifically, no.

1 MR. PENNOCK: Let's mark this as Exhibit 1,  
2 and we'll mark this one as Exhibit 2.

3 I'll give you copies in just a second.

4 (Anda-Versosky Exhibit 1 was marked for  
5 identification.)

6 (Anda-Versosky Exhibit 2 was marked for  
7 identification.)

8 MS. KOSKI: Thank you.

9 Which one did you hand me? Is that 1 or 2?

10 BY MR. PENNOCK:

11 Q. Sir, we've marked as Exhibit 1 to your  
12 deposition a document that appears to be from U.S.  
13 Department of Justice Drug Enforcement  
14 Administration.

15 A. Uh-huh.

16 Q. It's dated September 27th, 2006, right? Do  
17 you see that?

18 A. I do.

19 Q. Okay. And then we've marked as Exhibit 2 to  
20 your deposition a document that also appears to be  
21 from the U.S. Department of Justice Drug Enforcement  
22 Administration dated February 7th, 2007, right? Got  
23 that?

24 A. I do.

25 Q. And if you look at the last page of both of



1       these exhibits, a Drug Enforcement Administration  
2       deputy assistant administrator Joseph T. Rannazzisi  
3       is the signatory. Do you see that?

4           A.     I do.

5           Q.     All right. Have you ever seen these  
6       documents before?

7           A.     Not that I can recall.

8           Q.     Have you ever seen them reported on in the  
9       media?

10          A.     Not that I can recall.

11          Q.     When you -- back in -- let's take the first  
12       one in 2006, September 2006. When -- did anyone  
13       ever discuss this communication with you at that  
14       time?

15          A.     Not that I remember. In 2006, I believe I  
16       was still in my role in purchasing, so I wasn't on  
17       the leadership team. At the point when I got to the  
18       leadership team, I would have probably, you know,  
19       had more visibility to something like this; but at  
20       that point, I don't believe I did.

21          Q.     So when you got to the leadership team, you  
22       still don't recall these being brought to your  
23       attention?

24          A.     No.

25          Q.     And do you recall any discussion about the

1       DEA's communication to the company regarding what  
2       the company should be doing and not doing?

3           A.     Sure.

4           MS. KOSKI:   Object to form.

5           Q.     You do recall that?

6           A.     Yes.

7           Q.     Okay.   Let's look at the 2007 letter.

8           A.     It's Number 2?

9           Q.     Yes.   If you might, feel free to read any  
10       aspect of the letter that you want, but I wanted to  
11       direct your attention to the next-to-last page.  
12       It's Page 3.   The pages are noted in the upper  
13       left-hand corner.

14           MS. KOSKI:   And you should take your time to  
15       read whatever portion you think you need to.

16           A.     Uh-huh.

17           Q.     Okay.   And I've highlighted here -- and  
18       that's my highlight -- a line I'd like to read to  
19       you.   Tell me if I'm reading this correctly:  "A  
20       distributor seeking to determine whether a  
21       suspicious order is indicative of diversion of  
22       controlled substances to other than legitimate  
23       medical channels may wish to inquire with the  
24       ordering pharmacy about the following."

25           Do you see that statement?

1           A.     I do.

2           Q.     Okay. And then it goes on to list 10  
3     different potential inquiries from a pharmacy. Do  
4     you see that?

5           A.     I do.

6           Q.     Okay. Take a minute to read those 10,  
7     please.

8           A.     All right.

9           Q.     Thank you.

10                   When you became vice president for national  
11     accounts in 2008, February 2008, did you have any  
12     understanding as to the suggestions made by the DEA  
13     in this -- in these 10 numbered points here?

14                   MS. KOSKI: Object to form.

15           A.     Yeah, I don't know that I knew that they  
16     were specifically from this; but these are very  
17     consistent with the things that our compliance team  
18     was looking at or requiring of, you know,  
19     salespeople to talk to their customers about.

20           Q.     And in order for the compliance team to  
21     effectively be in line with what the DEA wanted, the  
22     salespeople would have to know, right?

23                   MS. KOSKI: Object to form.

24           A.     Yes.

25           Q.     So in other words, the salespeople are sort

1 of where the rubber meets the road on much of the  
2 compliance with what the DEA may have directed,  
3 correct?

4 MS. KOSKI: Object to form.

5 A. Yes and no. All right. So it's  
6 interesting. I would say the salespeople had a --  
7 kind of a general understanding; but the -- their  
8 role was to collect data and pass it to compliance  
9 who had, you know, full authority to make a decision  
10 of yes or no if we were going to sell a customer.

11 Q. Did you find when you got to this position  
12 of director of -- sorry, vice president of national  
13 accounts, that the salespeople were acting with  
14 concern regarding opioids?

15 MS. KOSKI: Object to form.

16 A. My -- I would say my short answer is not  
17 necessarily, but, again, that's only because they  
18 weren't actively, you know, promoting opioids. You  
19 know, the -- they were out promoting programs to  
20 customers.

21 And one other point of clarification. When  
22 you -- when you speak to the sales team, the team  
23 that I'm responding on behalf of would be the  
24 national account team, which was a, you know, I  
25 think 8- to 10-person team at any given time, not

1 the larger 150-person telesales floor.

2 Q. Tell me what you mean when you say they were  
3 not actively promoting opioids.

4 MS. KOSKI: Object to form.

5 A. Yeah. So "actively promoting opioids"  
6 meaning it's not like there was a program out there  
7 where we were trying to say, "Buy all your opioids  
8 from us." You know, to my recollection, our only  
9 promises were related to, "Buy your controlled  
10 substances from us," unless there was, you know,  
11 some arrangement between a manufacturer and a  
12 customer.

13 Q. What percentage of your controlled  
14 substances in 2008 were opioids versus other  
15 controlled substances?

16 A. I don't know the answer to that.

17 Q. Did you know it back then?

18 A. No. Probably not at the beginning, but over  
19 time I probably would have, you know, maybe a few --

20 Q. Are you able to estimate for me what that  
21 percentage was?

22 A. If I were to take a guess, may -- you said  
23 opioids, which I would guess --

24 MS. KOSKI: Object to form. Don't guess.

25 Q. I'm trying to assess if you're only out

1 promoting CIIs.

2 A. Sure.

3 Q. But if opioids were 99 percent of your CIIs,  
4 then you're out promoting opioids, right?

5 MS. KOSKI: Object to form.

6 A. If -- if that's a case and you know that  
7 answer, then yes, I'm wrong on that. I -- my  
8 assumption is there are other CIIs outside of  
9 opioids, but --

10 Q. There are.

11 A. Yeah.

12 Q. And I'm just giving you an example and  
13 that's why --

14 A. Sure.

15 Q. So you say you were not out actively  
16 promoting opioids, right?

17 A. Yes.

18 Q. That's your testimony?

19 A. Yes.

20 Q. All right. But you also say you don't know  
21 what the percentage of opioids was of the CII  
22 programs you were promoting, correct?

23 A. Correct.

24 And when you asked would I have known that  
25 number then, I don't know that I would have known

1       that number. I would have known the number of  
2       controlled substances overall versus, you know, like  
3       the total sales of the -- you know, total sales  
4       versus controlled sales; and that was probably, you  
5       know, that was low, 10 percent maybe. I don't know.

6       Q.     So when you became vice president for  
7       national accounts, you did not undertake any steps  
8       to understand what the percentage of CIIs,  
9       controlled substances, were opioids?

10      A.     No.

11      Q.     And that's -- the same is true when you  
12      became vice president for sales and marketing, you  
13      did not undertake to ascertain what percentage of  
14      overall controlled substances sales were opioid  
15      sales?

16      A.     I never looked at it that way, no.

17      Q.     At some point, the Anda company had  
18      threshold limits that they set for purchasers of  
19      opioids, right?

20      A.     Correct.

21             MS. KOSKI: Object -- object to form.

22      Q.     And do you know what that limit was?

23      A.     No.

24      Q.     So I'd like to understand this. So you --  
25      do you recall that the company set a benchmark

1 threshold back in 2007 to permit customers to  
2 purchase up to 5,000 dosage units of opioids per  
3 month?

4 MS. KOSKI: Object to form.

5 A. Yeah. So it sounds familiar. I would say  
6 again, 2007 was kind of -- you know, I was sort of  
7 in purchasing. I don't -- I didn't have as much  
8 broad experience to what else was happening; but it  
9 sounds familiar, yes.

10 Q. Sir, you -- you are aware that there is  
11 something out there called "the opioid crisis" in  
12 this country?

13 MS. KOSKI: Object to form.

14 Q. Aren't you?

15 A. Yes.

16 Q. And you are aware that it is -- there's data  
17 that as many as 200,000 people have died from opioid  
18 overdoses, right?

19 A. Yes.

20 MS. KOSKI: Object to form.

21 Q. And you are aware that there are  
22 allegations, to say the least, that much of the  
23 opioids crisis is generated through the use of  
24 prescription opioids, right?

25 MS. KOSKI: Object to form.



1           A.     Yes.

2           Q.     So the reason I ask this question is that  
3     you -- it seems that you've not -- well, let me  
4     withdraw that.

5                     You -- at what point did you become familiar  
6     with those assertions that are out there in the  
7     world regarding the number of people that have died,  
8     the fact that there is an opioid crisis, the fact  
9     that it seems to have substantially got going  
10    because of prescription opioids? When did you first  
11    become aware of all that?

12           MS. KOSKI: Object to form.

13           A.     Yeah, I think, you know, sort of as with  
14    everything else, the visibility to a situation like  
15    that grew over time, right? So if you want to judge  
16    2000 based on, you know, today's understanding of  
17    the -- of the issue, it's -- that's challenging.  
18    You know, all I can tell you is related to 2007, I  
19    was not, you know, really that big of a deal in the  
20    Anda organization as far as seeing other things.

21                     Would I have been aware of that? Very  
22    possibly I would have been aware of that. I don't  
23    recall that limit specifically. Over time the  
24    limits, you know -- your initial question related to  
25    do you remember what the limit was.

1           The limits were, I believe, placed by a  
2     customer, so I don't know that there is any specific  
3     answer to that with the exception of potentially if  
4     that was the first limit that was placed before my  
5     knowledge, then maybe there was.

6       Q.    Yeah. Well, you get what I'm driving at. I  
7     mean, have you -- have you at any time since you --  
8     let's just say since you left the company sat back  
9     and thought through in your head how things  
10    progressed with respect to your involvement with the  
11    promotion of controlled substances at Anda and how  
12    it may have contributed to this crisis?

13           MS. KOSKI: Object to form; mischaracterizes  
14    testimony.

15       Q.    Have you thought about that?

16       A.    Of course. Yeah. My -- you know, the  
17    interesting thing -- and I'm sure you'll be talking  
18    to other people from Anda -- I think we felt we had  
19    a responsibility, and we were always trying to be  
20    cautious.

21       Q.    Okay.

22       A.    And I'll say from a sales standpoint, you  
23    know, the feedback we would receive from customers  
24    is that we were always, you know, more restrictive  
25    than, you know, anybody else they were buying from.

1 And that's -- you know, our compliance team was  
2 tough. I feel like we had good, stringent policies.

3 Q. Sir, back at the time that you were with  
4 Anda, is it your view that you -- you and Anda  
5 recognized that you had a responsibility with  
6 respect to opioids?

7 MS. KOSKI: Object to form.

8 Q. And is it your view that back at the time,  
9 that you and those under you and the company was  
10 trying to be cautious with respect to opioids?

11 A. Yes, with all controls.

12 Q. With all controls as well? Okay.

13 (Anda-Versosky Exhibit 3 was marked for  
14 identification.)

15 MR. PENNOCK: Could you please mark this as  
16 Exhibit 3 to Mr. Versosky's deposition.

17 MS. KOSKI: Counsel, just as a matter of  
18 practice, can I get the document from the witness  
19 so just in case -- I don't expect you're going to  
20 give him something of -- objectionable; but just  
21 before he sees it, if I can see it, it would be  
22 helpful, just as a matter of procedure?

23 MR. PENNOCK: Oh, that's -- that's fine.

24 Yeah. Of course. Just remind me.

25 BY MR. PENNOCK:

1           Q.    Sir, I've marked as Exhibit 3 to your  
2           deposition an e-mail thread. The top e-mail is  
3           dated Thursday, July 24, 2008. Do you have that?

4           A.    I do.

5           Q.    Okay. And I will tell you that I don't  
6           believe you were on this e-mail thread from what I  
7           can tell. Okay?

8           A.    Yes, I see that.

9           Q.    So in case you were wondering?

10          A.    Yeah.

11          Q.    I don't think you were. All right.

12                But you know who Michael Cochrane was?

13          A.    Yeah. Michael ran compliance.

14          Q.    He ran compliance, meaning that Michael  
15          Cochrane ran that part of the Anda business that was  
16          in charge of making sure that the -- whatever you  
17          were doing with controlled substances was compliant  
18          with the regulation and directives from the  
19          government?

20                MS. KOSKI: Object to the form.

21          A.    Choosing which --

22          Q.    Fair statement?

23          A.    -- which customers we were willing to sell  
24          controls to or not, yes.

25          Q.    Okay. So --

1           A.     And Brian Witte ran the -- that he was the  
2     other lead of sales that ran the larger telesales  
3     group.

4           Q.     Okay. And incidentally, what was the  
5     telesale -- what did the telesales people do?

6           A.     So that -- that's the -- that's the basic of  
7     what Anda's business is, is that they call  
8     mom-and-pop pharmacies and try to sell them  
9     products.

10          Q.     Okay. All right. Well, could you turn to  
11     the third page of this Exhibit 3, please?

12          A.     Sure.

13          Q.     And for the record, I'm going to read the  
14     starting Bates number. This is  
15     Anda\_Opioids\_MDL\_0000152299.

16               MR. PENNOCK: Do I have to do that every  
17     time?

18               MS. KOSKI: That's the cover page?

19               MR. PENNOCK: That's the front first page.

20               MS. KOSKI: I will -- if you want a  
21     stipulation, that as long as that's the prefix of  
22     the document, you can use some shorthand of the  
23     numbers at the end. That's fine with me.

24               MR. PENNOCK: That would be great. I'd  
25     rather not to have to read them at all.

1 MS. KOSKI: Yeah. Obviously, if it doesn't  
2 have that prefix, we should say something.

3 MR. PENNOCK: Okay. Thank you for that. So  
4 I'll just read the digits the next time.

5 MS. KOSKI: That's fine.

6 BY MR. PENNOCK:

7 Q. Okay. And this document ends at 301.

8 Okay. Could you -- do you see that third  
9 page?

10 A. I do.

11 Q. Have you had an opportunity to read that?

12 A. I haven't, no.

13 Q. Okay. Please do that.

14 A. Okay.

15 Q. Thank you, sir.

16 Reading that, does that refresh your  
17 recollection as to the 5,000 dosage unit limit per  
18 month that I asked you about earlier?

19 MS. KOSKI: Object to form.

20 A. Again, I'm -- I feel like I'm aware of that.  
21 Specifics, not really.

22 Q. You're not really aware of it as we sit here  
23 today, but you're not sure what your awareness was  
24 going back when you were at the company?

25 A. I would say I feel like I remember that this

1       was happening; but again, I, you know, like, changes  
2       in this and kind of that time frame, I mean, I  
3       just -- I was more focused on the national account  
4       side and kind of launching that than what was really  
5       happening on the telesales floor. But, yes, I guess  
6       I have some cursory knowledge of this.

7           Q.     Okay. Well, so you -- with respect to  
8       selling to national chains --

9           A.     Yeah.

10          Q.     -- or large chains, you certainly still  
11       needed to be aware of any dosage unit limit that  
12       individual stores for those chains might have,  
13       right?

14          A.     Yes.

15          Q.     And you needed to be aware of that because  
16       once -- well, let's -- let me rephrase.

17                 You would -- you were responsible at one  
18       point for getting these large chains to become Anda  
19       customers, right?

20          A.     Yes.

21          Q.     And part of being an Anda customer is you  
22       wanted to promote to them a CII program --

23          A.     Yes.

24          Q.     -- controlled substances program, right?

25          A.     Yes.

1 Q. But part of that is each of the individual  
2 stores for the chain had to comply with the --  
3 whatever limits were set for the stores, right?

4 A. Yes.

5 MS. KOSKI: Object to the form.

6 A. But again, you know, to my clarification  
7 earlier, you know, like 2008, we didn't really have  
8 big business there, you know. It evolved over time,  
9 you know. So the thought that a large chain was  
10 working with us in 2008, they weren't, right.

11 But I would say generally, you know,  
12 you're -- generally you're correct, I would have  
13 been aware in some form or fashion.

14 MR. PENNOCK: Mark this as Exhibit 4,  
15 please.

16 (Anda-Versosky Exhibit 4 was marked for  
17 identification.)

18 MR. PENNOCK: Just hold that till counsel  
19 sees it.

20 MS. KOSKI: Okay. Thank you.

21 BY MR. PENNOCK:

22 Q. Sir, we've marked as Exhibit 4 to your  
23 deposition an e-mail from Marc Falkin --

24 A. Uh-huh.

25 Q. -- dated November 1st, 2007. You mentioned



1 him earlier. Who is Marc Falkin?

2 A. Marc Falkin was a -- he was an executive  
3 with Anda for many years. He held the roles of VP  
4 of purchasing, I believe VP of marketing. He ran  
5 the telesales floor at one point. He held many  
6 different roles, kind of -- while I was there.

7 In this specific case, I don't know if it  
8 was -- he was sending this from a position of  
9 running sales or running marketing, but it probably  
10 would have been one of those two in 2007.

11 Q. He certainly sent it to everybody, didn't  
12 he?

13 MS. KOSKI: Object to form.

14 Q. I mean that literally. He seems to have  
15 sent it to everyone involved in sales or marketing  
16 at the company.

17 MS. KOSKI: Object to form.

18 Q. Do you agree with that?

19 A. Yes.

20 Q. Okay. And you were one of the people named  
21 about nine-tenths down this list, correct?

22 A. I don't see my name on there, but I'm sure  
23 it is.

24 Q. It's --

25 A. Yeah, that's me.

1 Q. Okay. Now, the title of the document is  
2 "Oxycodone Family Limits Review," right?

3 A. Uh-huh.

4 Q. And --

5 MS. KOSKI: You have to verbally say "yes"  
6 or "no," not uh-huh.

7 A. Yes.

8 BY MR. PENNOCK:

9 Q. It says: "This will confirm that we have  
10 formally broken out the oxycodone family into two  
11 product families for the purposes of setting pill  
12 counts" -- sorry, "pill count limits."

13 Do you see that?

14 A. Yes.

15 Q. And it says: "Each family will have the  
16 limit capacity."

17 Do you see that?

18 A. Yes.

19 Q. So he goes on to say that "Oxycodone &  
20 Oxycodone Combo," do you know what those are?

21 A. Yes.

22 Q. Okay. And it looks like instead of those  
23 two having one 5,000 count applicable to both of  
24 them as a family, he's going to break them out so  
25 they each got a 5,000-count limit.

1 A. Okay.

2 Q. Do you see that?

3 A. Yes.

4 Q. Now, you received this e-mail back at that  
5 time, right?

6 A. Correct.

7 Q. Did this concern you, that at that time that

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

12 MS. KOSKI: Object to form.

13 A. I can't say specifically if it concerned me.

14 I think that -- I know I'm not supposed to assume,  
15 but my assumption would be that there was some sort  
16 of customer response to whatever those initial  
17 limits were that caused compliance to look at were  
18 we doing it kind of correctly or not. That would be  
19 my assumption.

20 Q. Well, breaking them up and giving each of  
21 them a 5,000-count limit certainly would allow Anda  
22 to sell more product to each customer of these two  
23 types, right?

24 A. Yeah, I understand that. Yes.

25 Q. So you don't know why they were combined

1 together in the first place?

2 A. No. I think that would probably be a  
3 discussion with Mike Cochrane. And even an e-mail  
4 like this, this is -- this type of thing Marc would  
5 have sort of, you know -- this isn't something that  
6 Marc would have decided, in my opinion. It's  
7 something Mike would have decided and Marc would  
8 have packaged for communication out, if that makes  
9 sense. My -- I would -- I believe this was probably  
10 when he was running marketing, and that would be  
11 kind of his role of communications.

12 MR. PENNOCK: We'll mark this, please.

13 (Anda-Versosky Exhibit 5 was marked for  
14 identification.)

15 MS. KOSKI: Okay. Thank you.

16 MR. PENNOCK: Katy, I have a couple of legal  
17 assistants I'm going to have come into the depo  
18 at this point.

19 Can you go get them?

20 MS. KOSKI: Do you want to take a break so  
21 they can --

22 MR. PENNOCK: It's just going to take a  
23 second.

24 MS. KOSKI: They can come in that door  
25 maybe.

1 BY MR. PENNOCK:

2 Q. Sir, have you had an opportunity to look at  
3 that? I specifically want to direct your attention  
4 to the paragraph that begins "Teva Matrix Patches"  
5 on Page 2.

6 MS. KOSKI: If you need to read the whole  
7 thing, take your time.

8 THE WITNESS: Yeah, I'm going to read it  
9 real quick. Sorry.

10 A. Okay. I've read it.

11 BY MR. PENNOCK:

12 Q. Thank you.

13 Mr. Versosky, we've marked as Exhibit 5 to  
14 your deposition a document entitled "Leadership  
15 Meeting, March 17, 2009 Minutes."

16 A. Yes.

17 Q. Do you see that?

18 And these are minutes, meaning somebody took  
19 notes and then -- from the meeting and then typed  
20 them up, right?

21 A. Yes.

22 Q. And these meeting minutes were prepared at  
23 or about the time of the meeting, right?

24 A. Sure. Yeah.

25 Q. And they were prepared and maintained in the

1 regular course of business of Anda, right?

2 A. Yes.

3 Q. Okay. And your -- your name appears on here  
4 as an attendee at the meeting?

5 A. Yes.

6 Q. You -- so as of this time, you were -- you  
7 were vice president for national accounts, right?

8 A. Correct.

9 Q. But when you became vice president for  
10 national accounts, you moved into the leadership  
11 role --

12 A. Yes.

13 Q. -- for the whole company, right?

14 MS. KOSKI: Object to form.

15 Q. You moved into a leadership role for Anda?

16 A. Yes.

17 Q. All right. And Al Paonessa --

18 A. Al.

19 Q. -- Al, sorry -- Al Paonessa, who is that?

20 A. Al was president of Anda.

21 Q. All right. Now, so the -- y'all had a  
22 meeting in March of 2009, right? And the purpose --  
23 right, correct?

24 A. Correct.

25 Q. And the purpose of that meeting was to

1 discuss any issues that people on the leadership  
2 team thought might be raised with the rest of the  
3 leadership, right?

4 A. Correct.

5 Q. And you'd have a -- you had a discussion  
6 about these issues, and then maybe some conclusions  
7 were drawn on each of the issues and some action  
8 items, right?

9 A. Yes.

10 Q. Now, Teva is a pharmaceutical manufacturer,  
11 right?

12 A. Yes.

13 Q. Generic manufacturer?

14 A. Yes.

15 Q. And do you know what "matrix patches" are?

16 A. Yeah. There was -- when fentanyl patches  
17 came out, there were two different -- call it types  
18 of patch technology, and one was preferred in the  
19 market and the other one wasn't, I believe. I don't  
20 remember what the other one was.

21 Q. So it appears from this discussion that was  
22 had at the leadership meeting that Anda had some  
23 volume of matrix patches that were unsold?

24 A. Correct.

25 Q. Right?

1 A. Yeah.

2 Q. Fentanyl is an opioid, right?

3 A. Yes.

4 Q. And they -- there was -- it seems to me, and  
5 correct me if I'm wrong, there is a discussion of,  
6 "Okay, how can we get these sold?"

7 A. Yes.

8 Q. Is that fair?

9 A. Yes.

10 Q. And there was apparently, you had -- of  
11 these units, you had \$1.4 million in these units --

12 A. Yes.

13 Q. -- that were unsold?

14 And there was a belief stated at the meeting  
15 that you only had two months to move the product?

16 A. Yeah. My assumption would be that was  
17 related to the dating on the product.

18 Q. So what you mean by that is the product --

19 A. Expiration date.

20 Q. -- probably had an expiration date?

21 A. Correct.

22 Q. So you had \$1.4 million in fentanyl product  
23 that had an expiration date, right?

24 A. Yes.

25 Q. So you --



1           A.     Actually, I say that.  It's possible this  
2     may have been related to a new entrant into the  
3     market or a -- you know, a patent, like a patent  
4     expiration date.

5           Q.     Well, for some reason, you only had two  
6     months to sell this product?

7           A.     Yeah.  Yeah, absolutely.

8           Q.     And the president of the company concluded  
9     this discussion by saying, "Just move the product."

10                  Do you see that statement?

11          A.     Yes.

12          Q.     Earlier you told us that you think everyone  
13     acted -- recognized the responsibility that you had  
14     for opioids, right?  Do you remember saying that?

15          A.     Absolutely.  Uh-huh.

16                  MS. KOSKI:  Object to form.

17          Q.     You said that you believed that everyone  
18     acted cautiously with respect to opioids.  Do you  
19     remember saying that?

20          A.     Absolutely.

21          Q.     Okay.  When the president of the company  
22     said, "Just move the product," at the meeting, did  
23     you or anyone else stand up and say, "Whoa, wait a  
24     second.  Okay?  We're not selling widgets here.  We  
25     can't just move the product."

1 Did anybody object to that, do you recall?

2 A. I think that's a -- taken out of context  
3 interpretation of "just move the product." We were  
4 only allowed to sell to customers that we had vetted  
5 deeply.

6 Q. Well, I mean, these minutes are intended to  
7 be an important record of the leadership of this  
8 company getting together and meeting in person,  
9 right?

10 MS. KOSKI: Object to form.

11 A. I would say that's a misrepresentation of  
12 what the meeting minutes were.

13 Q. Oh, really?

14 A. I -- yeah. I --

15 Q. Well, what do you think meeting minutes were  
16 for?

17 MS. KOSKI: Object to form.

18 A. I -- I would say for this leadership meeting  
19 at that period of time, I'm -- I don't know that we  
20 had meeting minutes, you know, for a majority of the  
21 meetings. You know, so, yes, were they a record of  
22 what happened in the meeting? Sure, they were, for  
23 distribution to us, frankly, to try to keep people  
24 moving forward on the things that we committed to in  
25 the meeting.

1           Q.    So it's your statement that you don't  
2   believe that the president of the company said,  
3   "Just move the product," as is recorded here at or  
4   about the time of that meeting?

5           MS. KOSKI:  Object to form; mischaracterizes  
6   testimony.

7           A.    Yeah.  It's possible he may have said that,  
8   but I think you're misinterpreting or taking out of  
9   context that statement.  We would have been trying  
10  to sell that product to only customers who were  
11  allowed to buy controls from us based on a thorough  
12  vetting of the customer.

13          Q.    Did this product get moved in that two-month  
14  period?

15          A.    I don't know.  Yeah, I -- and my assumption  
16  is I think -- yeah, I don't --

17          MS. KOSKI:  Wait for a question.

18          THE WITNESS:  Yeah.

19          MR. PENNOCK:  I'm sorry?

20          MS. KOSKI:  I was just telling him to wait  
21  for a question.

22  BY MR. PENNOCK:

23          Q.    If the president of the company said, "Just  
24  move the product," didn't you interpret that to  
25  mean, "Find a home for this product somehow"?

1           A.    To a degree, yes; but we had product that we  
2    wrote off all the time. I don't know if this was  
3    expiration-related from an expiration dating of  
4    product, we would have been able to return it. If  
5    it was, you know, patent expiration date-related, we  
6    would have still been able to sell it but for a  
7    lower cost. So it's hard to assume what he was  
8    saying there.

9           Q.    But it's your testimony that -- that people  
10   at the company would not have acted without caution  
11   with respect to opioid products? Is that your  
12   testimony?

13          A.    Yes.

14          Q.    Do you know who Rachelle Vance was?

15          A.    Yes.

16          Q.    Who was she?

17          A.    Rachelle was a national account manager on  
18   my team.

19          Q.    She was on your team?

20          A.    She was.

21          Q.    Okay. With respect to any sale that might  
22   be possible to a customer, you-all had a term for  
23   those. You called them "opportunities," right?

24          A.    Sure.

25          Q.    Didn't you use that term a lot?

1 A. As a --

2 Q. As a term for a potential sale?

3 A. I guess, yeah, sure.

4 Q. You don't remember that?

5 A. I know the definition of the word  
6 "opportunity" and I use the word "opportunity," but  
7 as a formal -- you know, from a reporting standpoint  
8 or anything, I don't know that. I believe  
9 "opportunity" was used in Remedy, our process  
10 management system, that -- that may be what you're  
11 referring to from a --

12 Q. So didn't -- didn't you --

13 A. An "opportunity" would have been something  
14 we would have been working on, sure.

15 Q. When you and the salespeople used the term  
16 "opportunity," quote/unquote --

17 A. Sure.

18 Q. -- to mean a potential sale of a product?

19 MS. KOSKI: Object to form.

20 A. Yes.

21 Q. Right?

22 A. Yes.

23 Q. So even for opioids, you would say -- you  
24 would call the potential sale of opioids an  
25 "opportunity"?

1 A. Yes.

2 Q. Okay. Even though it was a controlled  
3 substance?

4 A. Yes.

5 Q. A CII?

6 A. Yes.

7 MR. PENNOCK: Would you mark that, please.

8 (Anda-Versosky Exhibit 6 was marked for  
9 identification.)

10 BY MR. PENNOCK:

11 Q. Sir, we've marked as Exhibit 6 to your  
12 deposition an e-mail dated February 1st, 2010.

13 A. Sure.

14 Q. And take a second and read that, please.

15 A. Okay.

16 Q. So this e-mail was sent by one of your  
17 people, Rachelle Vance, to Michael Cochrane --

18 A. Uh-huh.

19 Q. -- who was in charge of compliance, but also  
20 to you, right, Marc Falkin and Kim Bloom, right?

21 A. Yes.

22 Q. Falkin and Bloom were involved in sales,  
23 right?

24 A. Yes.

25 Q. And Vance describes an opportunity to sell

1 CII controlled substances, specifically oxy, to some  
2 stores, right?

3 A. Sure.

4 Q. And she calls that an "opportunity"?

5 A. She does.

6 Q. Okay. And she says: "Here are the complete  
7 details of the opportunity."

8 Do you see that?

9 A. I do.

10 Q. She says: "We cannot ship the entire order  
11 because of a limit on Number 700139."

12 Do you see that?

13 A. Yes.

14 Q. That refers to a store, right?

15 A. No. That would be a product. That's a  
16 product identifier.

17 Q. Okay. So there is a limit on 700139. Do  
18 you know what product that was?

19 A. I don't.

20 Q. Okay. "Customer ordered 12, Shipped 7, 0,"  
21 you didn't ship any for the oxy products.

22 A. Uh-huh. Yes.

23 Q. Okay. And she's -- so she's telling you  
24 there is an order, right?

25 A. Yes.

1 Q. She's telling you that they are overlimited,  
2 at least in part, for the oxy products, right?

3 A. Yes.

4 Q. And she's telling you that the opportunity  
5 is we can sell this oxy if we increase the control  
6 limits for that account?

7 A. Yeah.

8 Q. Right?

9 A. Uh-huh.

10 Q. And is that the sort of procedure by which  
11 this happened back in 2010?

12 MS. KOSKI: Object to form.

13 A. Yeah. So it's funny, because, you know, now  
14 I see why you were asking about the word  
15 "opportunity" and trying to define it. It's clearly  
16 an awkward word to be using in this scenario.

17 This was an e-mail from a national account  
18 person, a salesperson, who was trying to, you know,  
19 act as an advocate for her customer, but sent that  
20 to Mike, who ultimately, you know, likely was saying  
21 no, which is why they're not getting product.

22 I'd be curious to see if you have any  
23 follow-up e-mails to this as to whether or not Mike  
24 allowed them to, you know, buy on this,  
25 quote/unquote, "opportunity," but it's unlikely.



1 Q. You don't have any idea whether he did or  
2 didn't?

3 A. No.

4 Q. Right?

5 A. No.

6 Q. So I will tell you that we don't know what  
7 happened with this yet.

8 A. Yeah.

9 Q. But you would agree with me that based on  
10 what you just testified to, that you think it should  
11 have been denied?

12 A. No, that's not what I said.

13 Q. No?

14 A. What I said is the word "opportunity" is  
15 awkward in this e-mail. But knowing Mike, Mike  
16 denied everything, so --

17 Q. And in your view, when you received this  
18 e-mail back in February 2010, did you think this  
19 should be denied?

20 MS. KOSKI: Object to form.

21 A. Yeah, I -- I can't make that assumption  
22 based on, you know, this e-mail. I don't know the  
23 context.

24 Q. Well, would it have been your custom and  
25 practice to e-mail the person under you, namely

1 Ms. Vance, and say, "What are you talking about,  
2 'opportunity'? That's awkward in such a serious  
3 context"?

4 A. No. No, not related to the -- to the term  
5 that she used. Of course not.

6 Q. Why not?

7 A. Salespeople think everything is an  
8 opportunity. They are going -- they use positive  
9 words to -- even in the worst circumstances. I  
10 wasn't in the role of trying to correct text on  
11 e-mails.

12 Q. Well, you said earlier that you believed  
13 everyone looked at -- recognized their -- the  
14 responsibility that they had with opioids?

15 A. Uh-huh.

16 Q. Right?

17 A. Yes.

18 Q. So do you think that referring to potential  
19 sales of a controlled substance such as opioids  
20 being -- referring to it in this manner reflects  
21 that level of responsibility that you said existed?

22 MS. KOSKI: Object to form.

23 A. No.

24 Q. Does not?

25 A. No.

1 Q. And --

2 A. But, again, that's looking at an e-mail  
3 from, you know, eight years ago through today's  
4 lens, you know.

5 Q. So at that -- at that time, there was -- are  
6 you saying people inside Anda -- withdrawn.

7 At that time are you saying that you did not  
8 have an understanding as to the seriousness of  
9 opioid distribution in terms of the risks associated  
10 with their use?

11 A. No, that's not what I'm saying.

12 MS. KOSKI: Object to form.

13 Q. Well, you just said that we're looking at an  
14 e-mail eight years later through today's lens. What  
15 did you mean by that?

16 MS. KOSKI: Object to form.

17 A. I feel like there is a -- a bigger spotlight  
18 on it today than there was then generally. So for  
19 you to read this e-mail and say "opportunity" is a  
20 horrible word, I don't know that "opportunity" would  
21 have been a horrible word back then; but that  
22 doesn't mean that we didn't know that it was an  
23 issue.

24 And, you know, painting a broad stroke that  
25 everybody understood their responsibility doesn't --

1 doesn't necessarily mean at the specific level, you  
2 know. Different people act different ways.  
3 Rachelle was very -- acted in a very -- as an  
4 advocate for her customer, right?

5 So a customer complaining about something,  
6 even if it was a control limit, Rachelle would have  
7 brought that to, you know, Mike to say, "Is there  
8 something we can do here," would have copied us to  
9 say, "Is there something you can do here."

10 But those were almost, you know, scientific  
11 decisions within the control compliance department,  
12 right. It's not like we had any sway or influence  
13 to be able to get them to approve anything.

14 But Rachelle specifically, if her customer  
15 complained, she would have brought something like  
16 this up for sure.

17 Q. Well, didn't you teach your salespeople not  
18 to bring it up in this way because you were dealing  
19 with products that were controlled substances and  
20 particular opioids that had very significant issues  
21 related to them?

22 MS. KOSKI: Object to form.

23 Q. I'll rephrase.

24 Didn't you tell your salespeople that you  
25 shouldn't be approaching opioids in this manner --

1 MS. KOSKI: Object to form.

2 Q. -- back in 2010?

3 MS. KOSKI: Same objection.

4 A. Are you asking related --

5 Q. Yeah.

6 A. -- to the word "opportunity" again?

7 Q. No. In term -- I'm not asking -- I'm asking  
8 in general. You said that -- you said that Rachelle  
9 would be an advocate for her customer?

10 A. Yes.

11 Q. And -- right?

12 A. Yes, I did.

13 Q. And would be pushing you and compliance to  
14 get limits increased, right?

15 A. The --

16 MS. KOSKI: Object to form; mischaracterizes  
17 his testimony.

18 Go ahead.

19 A. Her ask would have been for them to relook  
20 at a store, right? So stores had their own  
21 individual limits, I believe, by this point. So,  
22 you know, that would have been her ask.

23 Your question about wouldn't I have trained  
24 them to not do this, stores had their own individual  
25 limits. So if they were potentially set arbitrarily

1 too low, we would have wanted them to potentially  
2 ask and say, "Can you relook at this?" There may  
3 have been some additional data that was needed.

4 As a secondary in the market, it was a  
5 little more difficult for us to get at dispense data  
6 than, you know, call it a primary wholesaler,  
7 because the primary wholesaler, they are buying 90  
8 some-odd percent of their drugs through that person,  
9 so they can run some kind of internal -- internal  
10 data to calculate potentially their limits. For us,  
11 it was a little more difficult.

12 Q. Sir, the reason that one of your people was  
13 asking that the limits be increased for this  
14 pharmacy was simply because there was an opportunity  
15 to sell more opioid to that pharmacy. That's why  
16 she was asking, right?

17 A. Correct.

18 Q. Okay. And if it -- it had nothing to do  
19 with her believing that there was some reason that  
20 there was -- that the limit was too arbitrary and  
21 too low for them?

22 MS. KOSKI: Objection to form.

23 A. Yeah. I -- I don't know that.

24 MR. PENNOCK: Mark this, please.

25 MS. KOSKI: Are we at 7?

1 MR. PENNOCK: Yeah.

2 MS. KOSKI: Thank you.

3 (Anda-Versosky Exhibit 7 was marked for  
4 identification.)

5 BY MR. PENNOCK:

6 Q. I have marked as Exhibit 7 to Mr. Versosky's  
7 deposition Bates number 0000077935 through 938.

8 Sir, could you please take a moment and look  
9 at that?

10 A. Yes.

11 MS. KOSKI: Is this set up so it's the  
12 earliest in time is at the back then it moves  
13 forward?

14 MR. PENNOCK: I'm sorry. What's your  
15 question?

16 MS. KOSKI: The first e-mail in time is at  
17 the back and then it moves forward and --

18 MR. PENNOCK: That's correct.

19 MS. KOSKI: Okay.

20 BY MR. PENNOCK:

21 Q. Are you ready, sir?

22 A. Just give me one more second, I'm sorry.  
23 I'm on the last section here.

24 Okay. I think I'm ready.

25 Q. This is an e-mail thread that starts with an

1 e-mail, again, sent by Ms. Vance.

2 A. Uh-huh. Yes.

3 Q. And the e-mail is sent to a number of  
4 people. Ms. Vance, again, she worked for you in  
5 national accounts, right?

6 A. Yes.

7 Q. And she sent the e-mail to Kim Bloom. She  
8 was also in national accounts?

9 A. No. Kim -- Kim never worked for me. I took  
10 over national accounts from Kim.

11 Q. Okay.

12 A. So at this point, I'm not sure what her  
13 exact role was.

14 Q. Well, you were cc'd in any event?

15 A. Yes.

16 Q. Do you see that?

17 A. Yes.

18 Q. She said: "We are rolling out CSOS  
19 Enterprise for this chain."

20 That's an electronic ordering system that  
21 you created; isn't that right?

22 A. That is correct. Yes.

23 Q. And you had a hand in the establishment of  
24 that, didn't you?

25 MS. KOSKI: Object to form.



1           A.    As far as programming it, no.

2           Q.    No, not as far as programming it. As far  
3 as --

4           A.    Trying to sell it to customers, yes.

5           Q.    Uh-huh. It says: "And we would like to  
6 request a review of all accounts limits and would  
7 like to request max allowable limits for all Bi-Mart  
8 pharmacies. Attached is a complete list of Bi-Mart  
9 account numbers."

10                   Do you see that?

11          A.    Yes.

12          Q.    And Bi-Mart is a reasonably significant  
13 chain of pharmacies in one area of the country?

14          A.    It's a -- it was considered a small chain,  
15 but yes.

16          Q.    Small chain?

17          A.    Yes.

18          Q.    But it was still under national accounts?

19          A.    Yeah, I think they -- 60 stores or something  
20 like that.

21          Q.    So it gets passed up the ladder, and it  
22 says: "Mike, let me know if there is anything you  
23 need from me in order to make this happen."

24          A.    Uh-huh.

25          Q.    That's from Kim Bloom, right?

1 A. Yes.

2 Q. And, again, you're -- at this point, you've  
3 been -- you've been still cc'd, right?

4 A. Yes.

5 Q. Okay. And we see that there's some  
6 discussion here that the president of the company,  
7 Al Paonessa, it's A --

8 A. Yeah.

9 Q. -- Al3, because he was the third, Al  
10 Paonessa, III, right?

11 A. Yes.

12 Q. "A3 previously approved all the stores up to  
13 15,000 dosage units per month."

14 Right?

15 A. Yes.

16 Q. 15,000 pills of opioid, of oxy a month,  
17 right?

18 MS. KOSKI: Object to form.

19 Q. I'll rephrase: 15,000 dosage use -- units a  
20 month?

21 A. Yes.

22 Q. He says -- she says -- or Mike says: "There  
23 were five that were missed. I have corrected them.  
24 All the stores are now at a minimum of 15,000. Some  
25 are more. We will deal with any increases on a

1 case-by-case basis as we have in the past."

2 Right?

3 A. Yes.

4 Q. What's a "case-by-case basis"? What kinds  
5 of things would you do?

6 A. So let me put some context around this.  
7 That CSOS Enterprise, the CSOS Enterprise is a  
8 software application, was a CSOS system for chains  
9 to buy centrally. Right? So no one in the market,  
10 from a competitive standpoint, had another central  
11 buying kind of application, electronic ordering  
12 platform for controlled substances. So we were out  
13 promoting that to customers.

14 The need for increased limits on items was  
15 related to Bi-Mart taking advantage of that CSOS  
16 Enterprise system. They would have moved to their  
17 volume from a competitor to us. So we went from  
18 being a secondary to, on some of these products,  
19 their primary. Right? So their volume naturally  
20 would have gone up through us.

21 As far as the five that were missed, I'm  
22 sure that's a file-related issue, like they gave  
23 them a store list of 55 stores and not 60 or  
24 something like that.

25 Or -- I'm sorry. As I read that, he missed

1 five on moving them to 15,000 dosage units.

2 The -- where he says, "Some are more,"  
3 that's based on looking at their individual store  
4 level usage and creating limits based on their  
5 historical demand and all that good stuff.

6 And then, "We will deal with any increases  
7 on a case-by-case basis," that's where, sort of to  
8 that previous e-mail that you showed me, if there  
9 was somebody that was hitting their threshold that  
10 would drive a further review of that store by Mike  
11 and his team to say, you know, "Did we mis-shoot the  
12 mark on what we gave the -- gave them as a limit?"

13 Q. Okay. So there would be some evaluation of  
14 these stores that you were bringing on board to  
15 determine if the 15,000-unit limit was too much or  
16 too little?

17 A. Yes, I believe so.

18 Q. Then one of the following e-mails, we have  
19 an e-mail from Rachel Vance -- I'm sorry, Rachelle  
20 Vance. It says that: "These are the high volume  
21 CII stores. Can they be reviewed prior to reaching  
22 max volumes?"

23 Do you see that?

24 A. Yes.

25 Q. So she wanted them to be reviewed before

1 reaching max volumes because she didn't want any of  
2 the sales that were being made under national  
3 accounts to this store to be cut off?

4 MS. KOSKI: Object to form.

5 Q. Right.

6 A. You're correct. What she was asking for,  
7 you know, so if someone -- if a store, say their  
8 limit was 15,000. If a store got to 13,000, as  
9 opposed to us going to ask for review, once they  
10 stop, you know, receiving product from us, can they  
11 start that review when they are at, say, 13,000, so  
12 that potentially we don't have a customer service  
13 issue.

14 Q. And the review would be to look at the store  
15 and --

16 A. Yes.

17 Q. -- to ascertain if the dosage units is  
18 correct or not correct?

19 A. Yes, or if we're comfortable with.

20 Q. That you were comfortable with it?

21 A. Yes.

22 Q. Okay. So she lists here a number of stores.  
23 Well, let me track this. I'm sorry.

24 Michael Cochrane writes back to her, because  
25 now he's -- Mike Cochrane has now looked into these

1 stores that your team --

2 A. Yes.

3 Q. -- is selling to to see where they are at in  
4 terms of their limits, right?

5 A. Uh-huh.

6 Q. And he writes back, and he says -- he  
7 says -- let's see: "Let's wait to see if they hit  
8 it."

9 A. Uh-huh.

10 Q. Right?

11 A. Yes.

12 Q. So as you said, they were trying to -- your  
13 salespeople were trying to get ahead of it and bump  
14 the max limit before they hit it, right?

15 A. Yes. Yes.

16 Q. Okay. "I've listed what the accounts are  
17 currently at," right?

18 A. Yes.

19 Q. And then he lists this one. I'll just focus  
20 on the top one. That is Bi-Mart Store Number 610,

21 [REDACTED]

22 Right?

23 A. Yes.

24 Q. Now, do you know where that store is?

25 A. I don't.

1 Q. You can look it up on the Internet. Does  
2 that -- doesn't surprise you, right? You could look  
3 that store up, Bi-Mart Store Number 610?

4 A. I'll take your word for it, sure.

5 Q. So have you ever heard of Grand Pass,  
6 Oregon?

7 A. I have not.

8 Q. The court can take judicial notice of this,  
9 but Grand Pass, Oregon has a population of  
10 approximately 37,000 people.

11 MS. KOSKI: Object to form.

12 Q. Did you know that?

13 A. I did not.

14 Q. Is there any -- I thought you said that  
15 there was sort of an assessment of look at the  
16 stores by people to decide whether you're selling  
17 too much product to a small -- you know, to an area  
18 based on where the stores were. No? You didn't do  
19 that?

20 MS. KOSKI: Object to form; mischaracterizes  
21 testimony.

22 A. I didn't personally. Mike did. I think if  
23 you asked Mike, he might know where that store is.

24 Q. Well, you were in charge of national  
25 accounts?

1 A. Yeah.

2 Q. Right?

3 A. Yes.

4 Q. And you were in charge of these people  
5 that -- this woman, Rachelle Vance, that sent this  
6 e-mail, right?

7 A. Correct.

8 Q. So you didn't take any particular  
9 responsibility to look into a store that was already  
10 at 30,000 dosage units to see where it was?

11 MS. KOSKI: Object to form.

12 A. No. Michael -- Michael's team would have  
13 done that.

14 Q. So you -- you certainly by this point in  
15 time were at -- we're -- we're in 2009. Even you as  
16 vice president for national accounts understood that  
17 30,000 dosage units for a particular store in this  
18 chain was a lot of units, didn't you?

19 MS. KOSKI: Object to form.

20 A. I don't know that I would have thought that  
21 that was an unreasonable amount.

22 Q. Well --

23 A. Again, we were taking on primary volume for  
24 that store. I don't know what their historical  
25 dispense data would have looked like. I don't --



1           Q.    Well, does that really matter?  If they were  
2           already getting too much product, does that matter  
3           what the historical dispense data --

4           A.    I guess --

5                   MS. KOSKI:  Sorry.  Object to form.

6           Q.    Do you need me to rephrase that?

7                   MS. KOSKI:  Please.

8           A.    Yes, please.

9   BY MR. PENNOCK:

10          Q.    Yeah.  You keep -- you've referenced a  
11          couple times "historical dispense data," right?

12          A.    Right.

13          Q.    And what you mean by that is, "Well, we look  
14          and see, well, how much product has the store sold  
15          over time and is what they are asking for from us  
16          now consistent with what they've been selling,"  
17          right?

18                   MS. KOSKI:  Object to form.

19          Q.    That's what you're saying what "historical  
20          dispense data" is, right?

21          A.    So -- so let me -- let me clarify for  
22          myself -- for myself.  Yes, that's what I'm saying,  
23          but that wasn't my role in the organization.  So to  
24          me, that's a generalized way of saying how Mike and  
25          his team would have reviewed stores.

1 Q. So, I mean, you were vice president of  
2 national accounts. We've already said that a bunch  
3 of times, right?

4 A. Yeah.

5 Q. And you were vice president of national  
6 accounts at the time of this e-mail, right?

7 A. Yes.

8 Q. And you were on the leadership team at the  
9 time of this e-mail, right?

10 A. Yes.

11 Q. You had already had a leadership meeting a  
12 few months earlier back in March. We talked about  
13 that, with the fentanyl patches, right?

14 A. Yes.

15 Q. To move the product we had a discussion  
16 about, right?

17 A. Yes.

18 Q. Okay. And you're now on an e-mail chain  
19 where they are talking about a store that is in a  
20 location that has 37,000 people in it, and you're

22 substances every month. That's not something that  
23 you paid any attention to? Was --

24 MS. KOSKI: Object to form. Sorry. I  
25 thought you were done.

1           A.    No, I don't -- I -- I wouldn't have paid  
2           specific attention to that unless Mike, you know,  
3           brought that up as an issue as -- you know, where  
4           that might have come up as an issue is if Rachelle  
5           was making requests of Mike, Mike saying, "This  
6           doesn't make any sense." He might come to me and  
7           say, "tell Rachelle to stop, you know, bothering me  
8           about this."

9                   That's where -- that analysis would have  
10          happened within Mike and his team, the one that  
11          you're asking for.

12                  Me specifically, I was looking at, at a high  
13          level, you know, we were selling thousands of  
14          accounts product. So I'm -- I'm sorry. That  
15          answer's --

16          Q.    What -- well, you may have been selling --  
17          okay.

18                  You were selling thousands of accounts you  
19          just said, right?

20          A.    Yes.

21          Q.    And -- and just --

22          A.    I don't know where every store is for every  
23          one of those accounts. I wouldn't have looked them  
24          up. So the idea that I can -- that I would have --

25          Q.    Who -- who was going to do that then?

1           A.     Mike and his team absolutely would have been  
2     doing that.

3           Q.     That's it?

4           A.     Yes.

5           Q.     So the -- how many people were on Mike's  
6     team?

7           A.     I don't know the answer to that. I know --  
8     because it varied from time to time. I think when I  
9     left, there were probably six maybe.

10          Q.     Six people.

11                 How many salespeople did you have in --  
12     withdrawn.

13                 How many people were in your national  
14     accounts team, like Rachelle Vance?

15          A.     I think, you know, we peaked out. The most  
16     we ever had was maybe 12. At this time we probably  
17     were in the 8 to 10 range, I would guess.

18          Q.     And not -- they had no responsibility, the  
19     national account people, the 12 people that you had,  
20     they had no responsibility for making their own  
21     independent sort of assessment to provide  
22     information to compliance as to the nature of the  
23     store they were asking to max out at?

24                 MS. KOSKI: Object to form; mischaracterizes  
25     testimony.

1 Q. They didn't have none? I'm just asking.  
2 They had no responsibility, is that what you're  
3 telling me?

4 A. I would say they didn't have direct  
5 responsibility; but we would have asked them to, you  
6 know, not be, you know, foolishly asking for things  
7 that didn't make sense.

8 Q. Right. Like --

9 A. But we -- we always --

10 Q. Like asking for -- like asking to max out a  
11 store in a location, Grand Pass, Oregon, with 37,000  
12 people, that would be foolish?

13 MS. KOSKI: Object to form.

14 Q. Are you agree --

15 A. I could agree with you if that would be  
16 foolish if Rachelle knew that was in Grand Pass with  
17 that --

18 Q. Right.

19 A. I don't -- I don't know that she knew that.  
20 She may have seen it as Store Number 610.

21 Q. I understand that.

22 A. Yeah.

23 Q. And I'm saying is: Don't you think that she  
24 should have had, as part of her guidance and  
25 instruction, that, "Don't just see it as Store

1       Number 610; but you're the salesperson. You're the  
2       one interacting with the chain. You're the one  
3       interacting with the store. Where is the store?  
4       Tell us what you can tell us about the store from  
5       the beginning."

6               Shouldn't she have been doing that back  
7       then?

8               MS. KOSKI: Object to form.

9       A.     Again, I -- possibly, but we sort of had,  
10      you know, Mike's team as our -- was handling that  
11      for us. I don't know. You know, I -- I'm sorry  
12      that that's not the answer that you like, but that's  
13      sort of the way we were operating as we were out  
14      trying to sell, and Mike was a very hard backstop  
15      and he was handling that piece.

16              Our sales team, from a national account  
17      standpoint, was requesting additional information  
18      where Mike needed it, was, you know --

19      Q.     But your sales team for national accounts  
20      that you were in charge of didn't undertake any  
21      activity to see what they were asking for to begin  
22      with? Give it to Mike, Mike is the backstop, if he  
23      passes it, wonderful, we sell it and we move on.  
24      That's what was happening at this --

25      A.     I would say at this period of time, that

1       that's fair. I think as we moved forward, we were  
2       doing a lot more of, you know, getting  
3       questionnaires and getting data, getting  
4       questionnaires, all that stuff.

5               MS. KOSKI: I could use a bathroom break.  
6       We've been going about an hour and a half. It  
7       doesn't have to be right this second. If --  
8       when --

9               (Discussion off the record.)

10              MR. PENNOCK: No, we can take a break.

11              MS. KOSKI: Okay.

12              THE VIDEOGRAPHER: Off the record,

13       11:06 a.m.

14              (Recess from 11:06 a.m. until 11:18 a.m.)

15              THE VIDEOGRAPHER: On the record, 11:18 a.m.

16              MR. PENNOCK: Are you ready, Counsel?

17              MS. KOSKI: Yes. All set. Thank you.

18       BY MR. PENNOCK:

19              Q. Well, we were looking at Exhibit 7, the  
20       Bi-Mart -- the Bi-Mart e-mail, and the e-mail -- in  
21       response, Mike Cochrane, he says their mix is too  
22       high.

23              Do you see that?

24              A. Yes.

25              Q. So he's saying, look, I'm not going to

1 approve any increase.

2 A. Yes.

3 Q. Who is Kim Bloom? We talked about her  
4 earlier. You took over national accounts from her,  
5 right?

6 A. Yes.

7 Q. And she's now executive director of sales  
8 operations, right?

9 A. Yes.

10 Q. It looks like she was on this e-mail  
11 chain -- I'm trying to find -- she didn't get on  
12 this e-mail chain until a few e-mails in.

13 MS. KOSKI: Object to form.

14 MR. PENNOCK: Yeah, I'll withdraw that.

15 BY MR. PENNOCK:

16 Q. You see, if you look on the second page of  
17 this e-mail thread, it looks like Kim Bloom got  
18 thrown on a cc in the middle of this thread.

19 MS. KOSKI: Object to the form.

20 A. I see that.

21 Q. Right?

22 A. Yeah, I see that.

23 THE VIDEOGRAPHER: Excuse me, Counsel. I  
24 just need to adjust the witness's position again.  
25 I didn't realize you were blocking that camera.



1           So just a little bit more.

2           That's good. Thank you.

3       BY MR. PENNOCK:

4           Q.    I'm sorry, she jumped on -- she -- it was  
5       before that she -- she was on -- she was an  
6       addressee of the original e-mail. Okay.

7           A.    Yes.

8           Q.    But Michael Cochrane, he's in compliance.  
9       Kim Bloom is in sales. She's the executive director  
10      of sales operations.

11           Cochrane is the compliance guy you've been  
12      talking about, right?

13          A.    Yes.

14          Q.    Michael Cochrane?

15          A.    Yes.

16          Q.    He says the mix is too high.

17                Do you see that?

18          A.    Yes.

19          Q.    And she comes back and says -- and you're  
20      cc'd.

21                Do you see that?

22          A.    Yes.

23          Q.    And she comes back and says: Please discuss  
24      this with Al, the president of the company.

25                Right?

1           A.     Yes.

2           Q.     She says: This is a chain initiative to  
3     increase CII distribution.

4           A.     Yes.

5           Q.     So that means that your customer is trying  
6     to increase controlled substances distribution for  
7     you?

8           A.     No. What that means is -- in general, we're  
9     trying to get more customers to sell -- to buy CIIs  
10    from us.

11          Q.     Oh. So that means -- when he says this is a  
12    chain initiative, you mean -- it means this is --  
13    those of us working on chains, we are taking the  
14    initiative to increase controlled substances  
15    distribution?

16          A.     Yes.

17          Q.     That's something that she was working on,  
18    along with you were working on?

19          A.     I don't remember specifically what Kim's  
20    role was in here, but -- but yeah.

21          Q.     Okay.

22          A.     We were trying to get more customers to buy  
23    CIIs from us.

24          Q.     And thereby increase your distribution?

25          A.     Increase our distribution.

1 Q. And thereby -- you were trying to expand the  
2 market?

3 A. No. We were trying to expand our share of  
4 the market.

5 Q. Okay. And if they hit their threshold and  
6 are cut off from buying more, it's going to hurt our  
7 relationship with the accounts.

8 Do you see that statement?

9 A. I do.

10 Q. Does that sound like the responsibility that  
11 you told us earlier in terms of CIIs and opioids?

12 A. I mean, it sounds like something a  
13 salesperson would say, which is why we had the kind  
14 of church and state between regulatory and  
15 compliance.

16 Q. When you had church and state, what do you  
17 mean by that?

18 A. Compliance was separate from -- from sales.  
19 Right? So sales worked as advocates. Compliance  
20 worked as determining who we were willing to sell  
21 product to.

22 Q. So sales worked as advocates for making  
23 sales?

24 A. Correct.

25 You know, the -- the --

1 Q. Okay.

2 A. I think I know why Kim was on this. The --  
3 so Bi-Mart specifically as a customer had telesales  
4 reps talking to their stores. So in some scenarios  
5 we would have had sort of a shared ownership of  
6 accounts.

7 Q. So in any event, the -- the backstop,  
8 Michael Cochrane that you referred to earlier --

9 A. Yes.

10 Q. Well, this executive director of sales  
11 operations is trying to go by the backstop and go  
12 right to the president because she doesn't want to  
13 hurt the relationship with the accounts, right?

14 MS. KOSKI: Object to the form.

15 A. I think she's -- she's suggesting that he  
16 talk to Al, yes. Al was his -- Al was Mike's boss,  
17 right? So I would assume from an escalation  
18 perspective, talk to Al.

19 Q. So you mentioned that in terms of making  
20 decisions to sell to particular -- make particular  
21 sales, you said that they were, quote, scientific  
22 decisions.

23 Do you remember saying that earlier?

24 A. I do.

25 Q. Okay. Kim is not -- Ms. Bloom is not

1       engaging in this scientific decision process, is  
2       she?

3           A.     No.

4           Q.     But that -- that was sort of -- her conduct  
5       here and how she was approaching this and how  
6       Ms. Vance was approaching this, it was sort of  
7       endemic in the sales operation for Anda when it came  
8       to CIIIs, wasn't it?

9           MS. KOSKI:   Object to form.

10          BY MR. PENNOCK:

11          Q.     Do you know what I mean by endemic?

12          A.     No.

13          Q.     So with respect to Ms. Bloom and Ms. Vance,  
14       this type of approach to sales was -- of CIIIs and  
15       particular opioids was sort of business as usual for  
16       them?

17          MS. KOSKI:   Object to form.

18          Mischaracterizes the document.

19          A.     I think that would be a generalization. I  
20       think, you know -- I think Rochelle was probably  
21       more aggressive than others in trying to be that  
22       advocate for a customer. I don't know that I can  
23       speak to Kim really there.

24          Q.     But sales in general, even the people under  
25       you, were you -- they didn't really have that --

1 A. That's what I was saying --

2 Q. -- scientific decisionmaking process  
3 applying to their attempts to make sales?

4 A. Correct. Correct.

5 Q. Okay. So, you know, we talked about the  
6 Grand Pass, Oregon, Bi-Mart e-mail, this one right  
7 here.

8 I want to show you something, a PowerPoint.

9 MR. PENNOCK: Would you mark this, please.

10 (Anda-Versosky Exhibit 8 was marked for  
11 identification.)

12 (Anda-Versosky Exhibit 9 was marked for  
13 identification.)

14 MS. KOSKI: She was waiting for me, and I  
15 didn't give the high sign.

16 BY MR. PENNOCK:

17 Q. Let me know when you're ready, sir.

18 A. Sure.

19 MS. KOSKI: This doesn't have any notes on  
20 it. Is that what you're asking?

21 Is there any notes on the one you have?

22 THE WITNESS: No.

23 MS. KOSKI: Oh, that's the one. It's  
24 dog-eared.

25 BY MR. PENNOCK:

1 Q. It's the same document, Mr. Versosky.

2 A. Okay.

3 Q. Sir, have you had an occasion to look at  
4 Exhibit 9 -- or Exhibit 8?

5 A. Yes.

6 Q. That's a PowerPoint presentation that you  
7 had some input on, isn't it?

8 A. Yeah. So the interesting thing is the  
9 general kind of Anda overview presentation was a  
10 large deck that we used and kind of clipped for a  
11 bunch of different presentations. So many of the  
12 slides in here, I created. Many of them, I've never  
13 seen before.

14 Q. Okay. Well, can you look at Exhibit 9,  
15 please.

16 A. Sure.

17 Q. Let me identify Exhibit 8 first. I didn't  
18 do that yet.

19 So Exhibit 8 is a PowerPoint presentation  
20 entitled "Anda, Incorporated, Anda Overview," and it  
21 is Bates number 0000721153 and it runs through 1174.

22 Exhibit 9 is an e-mail thread, Bates number  
23 0000721151 and 152. So it's the Bates number that  
24 immediately precedes the PowerPoint Bates number.

25 Okay?

1 A. Okay.

2 Q. Now, Exhibit 9, this e-mail thread reflects  
3 that the -- this PowerPoint presentation was sent to  
4 you by Michael Cochrane, right?

5 A. Yes.

6 Q. And he asked you to take a -- take a look at  
7 it and perhaps give a couple bullet points on  
8 Slide 4.

9 Do you see that?

10 A. Yes.

11 Q. He says: I have been refreshing this  
12 presentation from before that we used with DC awhile  
13 back.

14 Do you know what he means by that?

15 A. Where was that?

16 Q. It's right here. He says: I have been  
17 refreshing this presentation from before that we  
18 used with DC awhile back.

19 At the time, did you have any understanding  
20 what he meant by that?

21 MS. KOSKI: Object to form.

22 A. At the time, I'm sure. I mean, as DC -- I  
23 don't want to speculate.

24 Q. Okay. Anyway --

25 A. At the time, I probably knew what it was --



1 Q. He says: Meeting with DEA next week.

2 A. Yeah.

3 Q. Keep that to yourself if you don't already  
4 know.

5 Right?

6 A. Yes.

7 Q. Okay. And this is August 28, 2014, right?

8 A. Yes.

9 Q. So he's -- this is a -- this is a  
10 PowerPoint that he intends to present to the DEA; is  
11 that correct?

12 A. Yes.

13 Q. Now, were you at any meetings with the DEA?

14 A. No, never.

15 Q. Never?

16 A. Never, not that I'm aware of.

17 Q. Okay. Take a look at Page 1167. I'm going  
18 by the Bates number on the lower right.

19 A. Okay.

20 Q. So Mr. Cochrane -- he's -- again, he's the  
21 compliance backstop at Anda, right?

22 A. Uh-huh.

23 Q. And he -- he has a slide in here, it says  
24 "Control Limit Increase Process."

25 Do you see that?

1 A. I do.

2 Q. Manufacturers and distributors are required  
3 to know your customers and maintain suspicious order  
4 monitoring systems.

5 Do you see that?

6 A. Uh-huh.

7 Q. Customer review process for control  
8 substances -- controlled substance increase.

9 Right?

█ █ █

█ █

12 That's the very first bullet point, right?

13 A. Yes.

14 Q. It's the very first bullet point in this  
15 slide for the DEA, right?

16 A. Uh-huh.

17 Q. No one was doing that with respect to  
18 Bi-Mart Store 610 in Grand Pass, Oregon.

19 A. In 2009, probably not.

20 Q. In 2009.

21 Okay. Thank you.

22 A. Yeah, not on the sales side.

23 Q. Got it. Okay.

24 As of 2014, were you -- were you then paying  
25 attention to the city and state of request?

1           A.    I'll tell you, I don't know that. Yeah. I  
2   don't know that it was a -- no.

3           Q.    On the sales side.

4           A.    Yeah.

5                No, I don't believe so.

6           Q.    Who is George Fields?

7           A.    So George -- George was with Anda for a very  
8   long time. I believe he ran -- he also ran sales at  
9   some point, the telesales function; moved into  
10   purchasing; and before we had sort of a formal  
11   marketing department, he kind of ran some of the  
12   promotions and things like that out of -- I believe  
13   out of purchasing. He kind of had a bunch of  
14   different roles at Anda at the time.

15          Q.    And who is Brian Witte?

16          A.    Brian was my counterpart that led the inside  
17   sales -- telesales team. So he was owner of the  
18   budget and whatnot for telesales.

19          Q.    Do you remember someone by the name of Norm?

20          A.    Yes.

21          Q.    Who might that be?

22          A.    Norm Dodes was a -- was a national account  
23   manager also on my team.

24                MR. PENNOCK: Do you have copies of this?

25                We'll mark my copy. Could you -- I only --

1 I don't seem to have another copy of this. I  
2 don't know, but could you take that?

3 MS. KOSKI: If you want to walk out to the  
4 front desk, they can make copies for you if you  
5 need to.

6 MR. PENNOCK: If you want me to.

7 MS. KOSKI: I guess I can read it first. I  
8 don't know.

9 MR. PENNOCK: Yeah.

10 MS. KOSKI: Just go --

11 MR. PENNOCK: Hold on. Why don't you go and  
12 see if you have a copy next door.

13 While we're doing that, Ben, why don't you  
14 take this out and make a copy before she puts the  
15 tab on there. Yeah.

16 BY MR. PENNOCK:

17 Q. All right. Let's see if I can go on to  
18 something else.

19 Not really.

20 MR. PENNOCK: Got it. That was easier than  
21 I thought.

22 MS. KOSKI: We've all been there.

23 MR. PENNOCK: Of course there is only one  
24 copy. No, this is not it. This is not -- this  
25 is not -- 143.

1                   Okay. We'll wait for copies.

2                   (Discussion off the record.)

3       BY MR. PENNOCK:

4           Q.     Okay. All right.

5                   (Anda-Versosky Exhibit 11 was marked for  
6     identification.)

7       BY MR. PENNOCK:

8           Q.     Sir, take a look, please, at Exhibit 11 to  
9     your deposition. This is an e-mail, one page,  
10    0000618116.

11          A.     Yes, please.

12          Q.     So this is an e-mail. The top e-mail is  
13    from you, right?

14          A.     Uh-huh.

15          Q.     This is September 26, 2008. Were you yet in  
16    charge of national accounts?

17          A.     I believe so by then.

18          Q.     So we have here an e-mail from Brian Witte,  
19    W-i-t-t-e?

20          A.     Yes.

21          Q.     And he writes: Daily sales are slipping a  
22    bit to forecast.

23          A.     Uh-huh.

24          Q.     Meaning you -- you had all projected some  
25    volume of sales, and in looking at the daily sales,

1       you weren't going to meet that?

2           A.    Yes.

3           Q.    For the month, I assume?

4           A.    Yeah, I assume, yeah.

5           Q.    Is there any large sales we can get out?

6           A.    Yes.

7           Q.    Anything on 20 milligram Protonix?  What  
8       about the K-Mart sale?  Did that go through?

9           A.    Yes.

10          Q.    Did the large BJK Risperdal order hit?

11               And then he says:  Anyone in need of oxy?

12          A.    Yes.

13          Q.    Any other thoughts?

14               Do you see that?

15          A.    Uh-huh.

16               MS. KOSKI:  Can I just -- so the record is  
17       clear, you're agreeing that he read it correctly?

18               THE WITNESS:  Yes.

19               MS. KOSKI:  You're not answering the  
20       question.

21               It wasn't clear to me on the record.

22               MR. PENNOCK:  You're right.

23       BY MR. PENNOCK:

24          Q.    So right here he's asking everyone on this

25       e-mail:  Does anyone have any customers that we can

1       sell some oxy to, isn't he?

2           A.     Correct.

3           Q.     And George Fields says something about the  
4       Risperdal order today and oxy being received today  
5       from BJK.

6                   What does that mean?

7           A.     BJK was a customer.   Oxy being received  
8       today would have been -- my reading of this e-mail  
9       is that's two separate notes there.

10                   Oxy, the reason I believe in this e-mail  
11       they were asked about it is there was a market  
12       shortage on the item, and so oxy being received  
13       today means we're receiving this item that's short  
14       in the market.   That's why they were asking can you  
15       go and see if there is anybody that is in need of it  
16       today.

17           Q.     And you wrote back -- among other things,  
18       you say:   Norm is going to contact Aetna on oxy?

19           A.     Yes.

20           Q.     So Norm, who worked for you, you were going  
21       to have him contact Aetna, I guess their customer,  
22       right?

23           A.     Correct.

24           Q.     He was going to contact to see if he could  
25       sell any oxy to them?

1           A.     Yes.

2           Q.     And rally the troops in the office to ensure  
3     any in-process opportunities are expedited and  
4     capitalized on.

5                     Do you see that?

6           A.     Yes.

7           Q.     And "opportunities," that's the awkward word  
8     you were talking about early -- we talked about  
9     earlier, right?

10          A.     Sure.

11          Q.     So with respect to oxy, you were going to  
12     make some effort to make some sales to meet the  
13     monthly forecast that you were slipping on?

14          A.     Sure.

15          Q.     Isn't that correct?

16          A.     But in respect to oxy, Risperdal, any of the  
17     other opportunities, you know, short in the market  
18     items -- like that sentence right there is two  
19     different specific things, right? Norm is going to  
20     contact them on oxy, and then we were going to look  
21     at anything else that was in process. In process  
22     may have included other, you know, oxy sales; it may  
23     not.

24                     But just wanted to clarify that.

25          Q.     Okay. But you were going to make some calls



1 about the oxy?

2 A. Sure.

3 Q. To see if anyone was in need of oxy?

4 A. Yes.

5 Q. It seems to me from your response that  
6 that's not unusual that you would go out and try and  
7 sell some oxy?

8 A. Correct.

9 Q. And basically making calls to see if anybody  
10 wanted it?

11 A. Again, in this case with my specific  
12 customers, we have been calling large customers --  
13 some of them, we currently sold to; some of them, we  
14 didn't -- to see if this product that was in short  
15 supply was something they needed today. They still  
16 would have had to been vetted from compliance to say  
17 are we willing to sell that customer or not.

18 But so --

19 Q. Well, I know that the scientific decision  
20 would have been made, as you've testified to.

21 A. Okay.

22 Q. I understand that's your position.

23 But if these were your customers and they  
24 had a need for this oxy product, wouldn't they have  
25 already told you that?

1           A.    No, not necessarily. Again, being in the  
2           secondary space, it's sort of -- a big portion of  
3           Anda's sales were, you know, time-sensitive  
4           opportunities where if we had inventory and the  
5           market didn't, we would have to go reach out to the  
6           market and say we may have it when someone else may  
7           not.

8                    They didn't always know to ask us, right?  
9           They would be looking at their primary potentially,  
10          or the other competitive secondaries to say can I  
11          buy this from you if they were out.

12          Q.    If they were out and they would need it,  
13          you're saying it was not your experience that  
14          they -- that they would contact anybody to see if  
15          they had something to sell them?

16          A.    They would contact people, but it's not  
17          necessarily that they would contact us.

18          Q.    But it's not necessary -- not necessarily  
19          did anyone you were going to contact need the  
20          product. That's also not necessarily true, right?

21          A.    Yeah. Potentially true, yes. Yes.

22          Q.    You may have contacted somebody and said,  
23          look, we have some oxy, we can sell it to you, maybe  
24          you haven't hit your limit, maybe you want to buy it  
25          so you've got it on hand, right?

1 MS. KOSKI: Form.

2 A. Yeah, that's a potential scenario.

3 Q. I mean, so this was in '08. I mean, we  
4 talked about this meeting minutes from March of '09  
5 where the president of the company said just move  
6 the product.

7 Do you remember that?

8 A. Yes.

9 Q. And so that's what you had going on here,  
10 right, with this e-mail with this oxy? You were  
11 just trying to move the product?

12 MS. KOSKI: Object to form.

13 A. No.

14 Q. You were just trying to move the product to  
15 meet the sales forecast that you-all had set for  
16 yourselves; isn't that right?

17 A. Again, I think that's a mischaracterization,  
18 right? The -- if you see what the e-mail says, it  
19 says here is a bunch of different products to think  
20 about because we need some incremental sales.

21 Was oxy one of them that he recommended?  
22 For sure. Did -- was there a follow-up where, you  
23 know, I asked Norm to look at Aetna? It looks like,  
24 yes, there was.

25 Q. How many -- when you got this e-mail where

1       it says anyone need -- anyone in need of oxy and you  
2       said Norm is going to contact Aetna on oxy, how many  
3       products was Anda selling at that time in September  
4       2008?

5           A.     Probably 6,000.

6           Q.     6,000?

7           A.     Yeah.

8           Q.     Do you know -- are you familiar with a place  
9       called The Hometown Pharmacy?

10          A.     I've heard the name.

11          Q.     They were -- they were a growing chain back  
12       in 2008, weren't they?

13          A.     Like I said, I've heard the name. I don't  
14       know specifically. I believe, were they a customer?

15          Q.     Do you know who Heath Ullman is?

16          A.     Yes. He was a telesales rep.

17          Q.     Yeah. So -- let's take a look at this.

18                   (Discussion off the record.)

19                   (Anda-Versosky Exhibit 10 was marked for  
20       identification.)

21       BY MR. PENNOCK:

22          Q.     Sir, take a look at this e-mail. It begins  
23       with an e-mail from Mr. Ullman.

24                   MS. KOSKI: Is there another one?

25                   MR. PENNOCK: That's the same one. I gave

1           you two.

2                   THE VIDEOGRAPHER:   Could you slide a little  
3           more to your left?   I'm sorry.

4           Thank you.

5   BY MR. PENNOCK:

6           Q.   Are you ready, sir?

7           A.   No, I'm sorry.   I'm reading the last page.

8           Okay.

9           Q.   Exhibit 10 is an e-mail thread that bears  
10          Bates number 0000272169, and it runs to 171.

11                   In this e-mail, Mr. Ullman is writing about  
12          a customer who has -- that's called The Hometown  
13          Pharmacy, right?

14          A.   Yes.

15          Q.   Right?

16          A.   Yeah.

17          Q.   They are a company out of Youngstown, Ohio,  
18          originally; is that right?

19          A.   I --

20          Q.   You don't know?

21          A.   I don't know.

22          Q.   So Mr. Ullman is concerned because The  
23          Hometown Pharmacy has hit its limits regarding the  
24          sale of certain CIIs, right?

25          A.   Yes, I see that.

1 Q. And The Hometown Pharmacy principal --  
2 somebody at The Hometown Pharmacy -- actually, I  
3 think the owner of the company, right?

4 A. It looks that way, yeah.

5 Q. He says: Heath, I am writing this last  
6 e-mail because I have been nothing but a great  
7 customer and we have grown immensely in the last  
8 nine-plus years.

9 Do you see that?

10 A. Uh-huh.

11 Q. And this e-mail is dated December 31st,  
12 2008, right?

13 A. Yes.

14 Q. So apparently it's a long-standing customer,  
15 right?

16 A. Yes.

17 Q. We have six retail locations; 1,000 nursing  
18 home beds, more coming; one mail order; and many  
19 more retail sites in the near future.

20 Right?

21 A. Yes.

22 Q. He says: Do I want Anda to be a part of all  
23 these? Absolutely.

24 Have I read that correctly?

25 A. Yes.

1           Q.    We are a company that will do over  
2           \$24 million in sales this year and never had any  
3           issues with any states nor DEA issues, or for that  
4           matter, third party.

5                    True?

6           A.    I see that, yes.

7           Q.    The Newcastle store -- that's Newcastle,  
8           Pennsylvania?  You don't know?

9           A.    I don't know.

10          Q.    Not something -- okay.

11                   The Newcastle store fills 2,000-plus  
12          prescriptions a week, and I cannot order any  
13          controls from Anda.  That is an absolute disgrace.

14                   Right?

15          A.    Yes.

16          Q.    It says:  Your company is penalizing high  
17          volume stores.  I bust my butt to where I have  
18          gotten, and you guys tie my hands.

19                   This is an upset customer, right?

20          A.    Yeah.  And I think this is indicative of,  
21          you know, some of the customer feedback we received  
22          over time.

23          Q.    All right.

24                   But that's okay, isn't it, because these are  
25          controlled substances that we're talking about?

1 A. Sure.

2 Q. So this gets elevated, and Heath Ullman  
3 forwards it to Amy Centrella.

4 A. Yep.

5 Q. Who is she?

6 A. She was a national account manager.

7 Q. She worked for you?

8 A. She did.

9 Q. And --

10 A. So this would be one of those accounts where  
11 it was a shared account, so it was under Brian's  
12 purview with Heath under my purview with Amy, if  
13 that makes sense.

14 Q. Heath says: See the e-mail below regarding  
15 39142 for The Hometown Pharmacy. Please see what  
16 you can do to resolve. This is out of my control,  
17 no pun intended.

18 Right?

19 A. Yeah, I see that.

20 Q. This gets forwarded to you?

21 A. Uh-huh.

22 Q. And apparently you actually had had a  
23 conversation about this issue prior to this e-mail  
24 being forwarded to you, right?

25 A. Yes, I see.



1 Q. It says: Bill, As per our conversation --

2 A. I see that.

3 Q. -- earlier, below is the e-mail from Bob  
4 Ekiert, the owner of Tadek, Inc.

5 Okay? Got it?

6 A. Yes.

7 Q. So somebody came -- I guess Amy came --  
8 Ms. Centrella came and talked to you about this  
9 issue.

10 And then he sent you the e-mail, right?

11 A. Yep.

12 Q. Okay. And you send this to the backstop,  
13 Michael Cochrane?

14 A. Uh-huh.

15 Q. On New Year's Eve?

16 A. Yes.

17 Q. 2008?

18 A. Yes.

19 Q. Do you know how many overdose deaths there  
20 were in Cuyahoga County, Ohio, in 2008?

21 A. I don't.

22 Q. What about 2009?

23 A. I don't.

24 Q. Hi, Mike. Can you please read the e-mail  
25 below and give me a call when you have a chance.

1 Have I read that correctly?

2 A. Yes.

3 Q. I'm wondering if we can get on a conference  
4 call with this guy --

5 You're referring to the owner of the  
6 company, right?

7 A. Yes.

8 Q. -- to try and save his business.

9 A. Yes.

10 Q. So a decision had already been made by the  
11 backstop to cut these guys off, right?

12 A. Yes.

13 Q. And you knew that from this e-mail chain  
14 because that's how it all started, right?

15 A. Yes.

16 Q. But on New Year's Eve, 5 o'clock, you told  
17 the backstop, Cochrane -- Mike Cochrane: Hey, let's  
18 try and save this guy's business.

19 MS. KOSKI: Object to form.

20 BY MR. PENNOCK:

21 Q. Right? That's what you did?

22 A. Yes, but your assumption is saving the  
23 business means turning controls on. That's not  
24 necessarily -- that wasn't necessarily the case  
25 every time.

1 Q. Well, was it the case?

2 A. In this scenario, I don't know, but where I  
3 say get on a conference call with the guy --

4 Q. Yeah.

5 A. -- a lot of times what was driving, you  
6 know, frustration with customers was communication  
7 out of our compliance team to customers was poor,  
8 right?

9 And so there were customers who were -- they  
10 were just angry at us because they were not able to  
11 buy controls, didn't know why, weren't getting good  
12 feedback on, you know, what did they need to  
13 provide, if -- like in this scenario, you know, the

14 [REDACTED]

15 [REDACTED]

16 information Michael may not have had which may have  
17 informed his decision more, or, frankly, the  
18 customer talking to Mike and Mike saying "this is  
19 why I'm not comfortable with you" would have  
20 alleviated the customer's concern and we may have  
21 been able to maintain his business.

22 It got -- yeah.

23 Q. You're speculating that any of that took  
24 place with this guy?

25 A. To this specific situation, yeah. Yeah, I'm

1 speculating, but that was --

2 Q. This guy's concern had to do with his  
3 controls -- his controlled substances that somebody  
4 had cut off.

5 A. Sure.

6 Q. You had no idea why they had been cut off?

7 A. Correct.

8 Q. That's what he wanted back. He wanted his  
9 controls back.

10 A. Correct.

11 Q. That's clear from this, isn't it?

12 A. Yes.

13 Q. You get an e-mail at 4:30, and 26 minutes  
14 later, you say can we get on a conference call with  
15 the guy to save his business.

16 That's what you did, right?

17 MS. KOSKI: Objection, form.

18 Mischaracterizes the document. Look at the  
19 dates.

20 BY MR. PENNOCK:

21 Q. Let me rephrase that.

22 You got an e-mail -- I apologize.

23 You got an e-mail at 11:54 a.m. on  
24 December 31st, 2008, and later that day, you -- you  
25 e-mailed Cochrane, right?

1 A. Yeah.

2 Q. Okay. And there's not a lot of cautious  
3 conduct involved in this, is there, with respect to  
4 opioids, by you?

5 MS. KOSKI: Object to form.

6 A. I -- I don't agree with that.

7 Q. You don't agree with that? You said earlier  
8 that you --

9 A. This was --

10 Q. -- you-all were very cautious about this.

11 A. This was from a -- from a practice  
12 standpoint, this would have been me collecting the  
13 information from Amy, passing it on to Mike. I just  
14 explained, frankly, how these -- how we tried to  
15 handle these situations was, you know, one is either  
16 Mike needed additional information; or, two, the  
17 customer needed better feedback on to why they  
18 weren't allowed to buy from us.

19 Those were really the two solutions.

20 Q. Really? Those were really the two  
21 solutions? But in this e-mail to Mike, you don't  
22 give him any new information, say, by the way, Mike,  
23 maybe you need to reconsider this for A, B, C, and  
24 D, do you? You don't say that?

25 A. The information --

1 Q. You don't -- sir, you don't say to Mike  
2 Cochrane, here's some additional information?

3 MS. KOSKI: Object --

4 Q. That's not said to him here, right?

5 MS. KOSKI: Object to form. You can allow  
6 him to answer. Allow him to get his question out  
7 and then complete your answer.

8 BY MR. PENNOCK:

9 Q. Yeah. You don't say to Cochrane, the  
10 backstop, I have new information for you, right?  
11 You don't say that?

12 A. I don't say that specifically, no.

13 Q. Right. And, in fact, you told us earlier  
14 that sales didn't collect any of this information  
15 that might be of assistance to Mr. Cochrane.

16 MS. KOSKI: Objection; mischaracterizes his  
17 prior testimony.

18 A. Yeah, I don't believe I said that.

19 Q. Oh, you don't believe you said that?

20 A. No.

21 Q. You said that --

22 A. Can I stop you for one second and continue?

23 Q. No. You said you don't believe you said  
24 that.

25 A. Okay.

1 Q. You have testified here today on several  
2 occasions that sales was -- was focused on the  
3 opportunities and attempting to make the sale and  
4 not involved with what the backstop was doing unless  
5 asked.

6 Haven't you said that?

7 MS. KOSKI: Object to form.

8 A. Sales was collecting information for them,  
9 for sure, and I believe I said that.

10 Q. And where -- and where is the information  
11 that when you contacted Mr. Cochrane to try and save  
12 this business, you didn't give him any new  
13 information, you just sent him the e-mail chain?

14 A. I think that's an assumption. The -- the  
15 information to me that would have been relevant  
16 would have been on the original e-mail from the

■ [REDACTED]

■ [REDACTED]

19 I don't know if Michael had that or not from  
20 a new information standpoint.

21 Q. Well, you were e-mailing Mike Cochrane to  
22 have a conference call with him and this gentleman  
23 from Hometown Pharmacy to save the business, but you  
24 provide no additional information to change this  
25 decision.

1 MS. KOSKI: Object to form. Asked and  
2 answered.

3 A. Yeah, I feel like I already answered that.  
4 There is information right here, and, you know,  
5 potentially that discussion with the customer may  
6 have provided additional information if there was  
7 additional information Mike wanted or not.

8 I think we're doing a lot of generalizing  
9 about this specific scenario, but that's the best  
10 answer I can give you.

11 Q. So it's your testimony, then, I guess --  
12 withdrawn.

13 So are you saying that you were going to  
14 help Mr. Cochrane engage in one of these scientific  
15 decisions --

16 A. No.

17 Q. -- with respect to -- with respect to giving  
18 this guy his controlled substances back?

19 A. No. What I'm saying is that I was trying to  
20 build a bridge between Mike and the customer so that  
21 if there were additional questions Mike had, he  
22 could ask them; or if Mike was already past that  
23 point, there was additional information he could  
24 give to the customer that hopefully we would be able  
25 to save the customer's business because he's getting



1 more information than potentially he was before.

2 Q. Well, you certainly weren't hoping to save  
3 the customer by giving him his controls back, were  
4 you?

5 A. There -- I think you're assuming that the  
6 only way to save the customer is to give them  
7 controls. That's not accurate. You know, through  
8 this time, there were -- you know, these same --  
9 these same issues were in the competitive market.

10 So like the customer that couldn't buy  
11 controls from us may not have been able to buy  
12 controls somewhere else.

13 Q. All right. You think you were going to save  
14 this customer -- when you -- withdrawn.

15 When you went to e-mail Mike Cochrane and  
16 have a call with Mike Cochrane and then a conference  
17 call with this guy, you think you were going to save  
18 his business without giving him his controls back?

19 A. Potentially.

20 Q. So you're -- so you were not contacting Mike  
21 Cochrane to talk to Mike Cochrane about giving this  
22 guy his controls back?

23 A. I think that was part of it, for sure.

24 Q. That was part of it?

25 A. That's not the only solution.

1 Q. Here's what he said, the person whose  
2 business you were going to try and save.

3 A. Sure.

4 Q. I want you to go to bat for Newcastle store  
5 and lift the ridiculous restrictions that were put  
6 on my store for a year now.

7 That's what he was concerned about.

8 A. Customers complained all the time like this.  
9 Like I said, this -- this e-mail, I don't think, is  
10 abnormal.

11 Q. What about you jumping in to the backstop,  
12 Mr. Cochrane, to have him try and save the business?  
13 Was that abnormal?

14 MS. KOSKI: Object to form.

15 A. No. I think if one of my NAMs sent  
16 something to me, I would have immediately sent it to  
17 Mike.

18 Q. Do you know who Norman -- Norman Dodes, is  
19 that the Norm that was going to call Aetna?

20 A. Yes.

21 Q. So we looked at an e-mail earlier. Norm was  
22 going to call Aetna about seeing if they wanted to  
23 buy the oxy?

24 A. Yes.

25 MS. KOSKI: Make sure he finishes his

1 question first.

2 MR. PENNOCK: Mark that, please.

3 (Anda-Versosky Exhibit 12 was marked for  
4 identification.)

5 BY MR. PENNOCK:

6 Q. Sir, while you're reading that, I'm going to  
7 identify for the record we've marked as Exhibit 12  
8 to your deposition an e-mail thread that is  
9 0000078156 through 158.

10 Are you ready?

11 A. Yes.

12 Q. This e-mail is -- the top e-mail is from  
13 March 16th, 2009, 4:26 p.m.

14 Right?

15 A. Yes.

16 Q. Just coincidentally, this was the day before  
17 the leadership meeting with those minutes that we  
18 looked at, isn't it? That meeting was on March 17,  
19 2009.

20 A. Okay.

21 Q. And Mr. Dodes sent an e-mail to Mr. Cochrane  
22 and you, right?

23 A. Yes.

24 Q. It started out with an e-mail from Mike  
25 Schneiderei from Assured Pharmacy.

1 Do you see that?

2 A. Yes.

3 Q. And this has been forwarded on to you?

4 A. Yes. I see that.

5 Q. Mr. Schneidereit wrote -- he was from this  
6 Assured Pharmacy: I am pleased to announce that  
7 Assured Pharmacy has hired Michael Mapes as our new  
8 chief compliance officer. Michael joins our team  
9 with over 30 years of experience with the DEA and  
10 specifically the last eight years as section chief  
11 in the office of diversion control in Washington,  
12 D.C.

13 Do you see that?

14 A. I do.

15 Q. With Michael's experience, knowledge, and  
16 foresight, we will continue to pioneer pain  
17 management as a specialty pharmacy and firmly  
18 establish ourselves as the safest, most effective  
19 pharmacy in treating chronic pain patients.

20 Right?

21 A. I see that.

22 Q. Okay. So then who is Robert DelVecchio? Do  
23 you know who he was?

24 A. It looks like he's --

25 Q. CEO of Assured Pharmacy?

1           A.     Yeah.

2           Q.     And he wrote to Norm, Mr. Dodes.  He said:

3     Dear Norman, I'm looking forward to seeing you next  
4     week.  I just wanted to forward to you our new team  
5     member Mike Mapes.  Mike is joining us as our  
6     compliance officer.

7                     Right?

8           A.     Yes.

9           Q.     And he sent that on March 7th, and on  
10    March 16th, Dodes sends it to Cochrane and you.  
11    Right?

12          A.     I see that, yes.

13          Q.     You're not in compliance.

14          A.     Correct.

15          Q.     You were in charge of national accounts,  
16    sales, vice president.

17                   He sends it to the compliance officer,  
18    Michael Cochrane, and to you, and he says:  Mike --  
19    he doesn't address you -- this is from Assured  
20    Pharmacy.  They just hired a new chief compliance  
21    officer.  His name is Mike Mapes.

22                   Have I read that correctly?

23          A.     Yes.

24          Q.     Did you ever hear of him?

25                   Do you see that?

1 A. Yeah.

2 Q. He says: Please take a look below. I would  
3 like for you to get in touch with Mike, that's the  
4 C -- I don't know what -- what Mike he's talking  
5 about.

6 He's talking about Mike Schneidereit  
7 probably, right?

8 A. Yeah, I would assume he was talking about  
9 Mike Mapes, but I --

10 Q. Mike Mapes?

11 A. Yeah.

12 Q. The --

13 A. Maybe not. Yeah, no, you're right, because  
14 he's asking --

15 Q. He's talking about Mike as if he knows him.  
16 He probably would have known Mike Schneidereit.

17 MS. KOSKI: Object to form.

18 BY MR. PENNOCK:

19 Q. Okay. I would like for you to get in touch  
20 with Mike. We need to raise their control limits as  
21 soon as possible.

22 MS. KOSKI: Object to form.

23 BY MR. PENNOCK:

24 Q. Do you see that statement?

25 A. I do.

1 Q. Have I read that correctly?

2 A. Yes.

3 Q. Is this -- is this one of those scientific  
4 decisions that you were telling us about earlier?

5 MS. KOSKI: Object to form.

6 A. This -- I believe Mike Mapes was known to  
7 Mike Cochrane, so this -- this was a  
8 informational -- a piece of new information that a  
9 salesperson was giving to Mike.

10 Q. Okay.

11 A. And he's --

12 Q. Let's look at the words on the page. He  
13 doesn't say anything about anything other than  
14 they've hired a new chief compliance officer.

15 A. Yes.

16 Q. That's what he tells them, right? He tells  
17 them it's from Assured Pharmacy, right?

18 A. Right.

19 Q. He says: Did you ever hear of Mike Mapes,  
20 right?

21 A. Yeah.

22 Q. He says: Please take a look below, which  
23 would tell you that Mike Mapes was -- had been at  
24 the DEA for 30 years.

25 A. Yes.

1 Q. And he says -- he concludes: We need to  
2 raise their control limits as quick as possible.

3 That's what he told you and Mr. Cochrane.

4 A. It's great, but he's not able to tell us  
5 that.

6 Q. Well, he may not be able to make it  
7 happen --

8 A. Yeah, correct.

9 Q. You mean he may not be able to make it  
10 happen.

11 A. Correct.

12 Q. But he's telling you -- somebody that worked  
13 for you thought that he could send an e-mail like  
14 this telling you to raise their limits as quickly as  
15 possible because a sheriff just came to town in one  
16 of our customers.

17 Isn't that what's happening here?

18 A. I would say that's a semi-fair  
19 characterization of the way Norm speaks, but that  
20 doesn't change how Mike operates his business from a  
21 compliance standpoint.

22 Q. Well, what about changing how you operated  
23 Anda's business in terms of your salespeople? Let's  
24 talk about that.

25 A. Sure.



1           Q.    Your salespeople thought it was okay to  
2           suggest raising control limits on controlled  
3           substances for a customer just because some new  
4           compliance officer was being hired by that customer;  
5           is that --

6           A.    I think that's what Norm thought, yeah, that  
7           based on this customer bringing in someone with, you  
8           know, a boatload of experience, that they would be a  
9           theoretically safe customer.

10          Q.    They would be a stickler?

11          A.    What do you mean stickler?

12          Q.    You don't know what a stickler means?

13          A.    A stickler to what?

14          Q.    The DEA guy --

15          A.    Yeah.

16          Q.    -- who was coming in might be a problem with  
17          respect to your sales?

18          A.    No.

19          Q.    You don't think that's what he was saying?

20          A.    No, I think it was the opposite.

21          Q.    Oh, really.  You think he -- that Norm was  
22          recommending to his boss and the backstop, raise  
23          their control limits as soon -- as quick as possible  
24          so that you had a benchmark that was higher?

25          A.    No.

1 Q. No?

2 A. No. This -- again, I believe Mike Mapes was  
3 known to Mike Cochrane. I don't want to speculate,  
4 but I believe they -- he may have even consulted for  
5 Anda at some point, I don't know before or after  
6 this, which would be taken as he's a credible  
7 compliance manager for this company and we could  
8 probably be confident in their policies and  
9 procedures.

10 That was a piece of new information --

11 Q. So why would you have to raise those limits  
12 as quick as possible?

13 A. That's the way Norm talks, you know.

14 Q. So the reason -- one interpretation of this  
15 is that Norm is saying raise the limits as quick as  
16 possible --

17 A. Yeah.

18 Q. -- because there is a new compliance officer  
19 getting onboard with our customer, and we want to  
20 start out with higher limits in case he starts  
21 slicing and dicing what's happening there.

22 MS. KOSKI: Object to form.

23 BY MR. PENNOCK:

24 Q. Don't you agree that's one reasonable  
25 interpretation?

1           A.    I would say it's a reasonable interpretation  
2    without any context or history.  That's --

3           Q.    Well, do you remember this?

4           A.    I don't remember it specifically, but  
5    knowing, you know, the name Mike Mapes and all of  
6    that, it doesn't -- that's not a rational  
7    understanding for me.

8           Q.    So you're saying we can raise the -- you're  
9    saying your interpretation of this is we can  
10   raise -- we can now raise the limits because now we  
11   can trust them?

12          A.    No.  No.

13          Q.    We can now raise -- your interpretation --

14          A.    No, no.

15          Q.    -- is we can now raise --

16                MS. KOSKI:  Let him finish.

17   BY MR. PENNOCK:

18          Q.    Norm is suggesting to you we can now raise  
19   the limits because now they're going to have a  
20   credible compliance officer who we can trust.

21          A.    I think that's a fair assessment that Norm  
22   is saying that.

23                We -- my interpretation is this is new  
24   information.  This is something Mike would have  
25   looked at.

1 Q. So if what you're now telling us is the  
2 correct interpretation of this, why did he want it  
3 to happen, as he put it, as quick as possible?

4 A. Because Norm -- Norma -- it's a  
5 Norm-specific -- he's a very aggressive talker, a  
6 very aggressive salesperson in trying to make sure  
7 things happen quickly.

8 He's a New York guy. He's -- he's very  
9 aggressive.

10 MS. KOSKI: Not that all New York guys are  
11 aggressive, necessarily.

12 I think they're all from New York.

13 THE WITNESS: I'm from New York.

14 (Anda-Versosky Exhibit 13 was marked for  
15 identification.)

16 MS. KOSKI: Thank you.

17 BY MR. PENNOCK:

18 Q. Okay. Sir, we've marked as Exhibit 13 to  
19 your deposition an e-mail bearing Bates number  
20 0000110089.

21 Have you had a chance to look at that?

22 A. Yes.

23 Q. And this is an e-mail from Marc Falkin.

24 He was in sales, right?

25 A. Yes.

1 Q. And it's to a very large distribution list.

2 Would you agree with me?

3 A. Yes.

4 Q. He's got the Anda Pharmacy Group, Anda  
5 Pricing, Anda Gurney Reps, Anda West Coast Group,  
6 Anda Marketing, Anda Purchasing.

7 A. Yeah, just a point of clarification. At  
8 this point, Marc may have been in marketing, but I  
9 don't know that it matters.

10 Q. Okay. Anda National Accounts.  
11 That would include you, right?

12 A. Yes.

13 Q. Anda New York Sales, Anda Injectables, Anda  
14 PR Sales, Anda Sales Floor Managers.

15 All of these have lots of people in these  
16 distribution lists, right?

17 A. Yes.

18 Q. And then he listed a number of people  
19 individually, including you?

20 A. Yes.

21 Q. And Mike Cochrane, the backstop, right?

22 A. Yes.

23 Q. And this Patrick Cochrane, he's -- he was  
24 in --

25 A. Logistics.

1 Q. Logistics?

2 A. Yeah. The warehouses.

3 Q. So this is on April 29th, 2010, at  
4 5:20 p.m., and he says -- he's telling everybody  
5 we've got \$5.5 million of Ranbaxy's -- that's a  
6 manufacturer?

7 A. Yes.

8 Q. We've got \$5.5 million of Ranbaxy's  
9 oxycodone CR 10 and 20 milligram available and  
10 looking for a home out of our Ohio distribution  
11 center.

12 Have I read that correctly?

13 A. Yes.

14 Q. And they want -- he puts down here: WANTED:  
15 Paper 222 forms for those customers not ordering by  
16 CSOS.

17 What he's communicating there is, look,  
18 there might be some customers that want this oxy,  
19 right?

20 A. Correct.

21 Q. And some of them might not be on our -- on  
22 our electronic system, right?

23 A. Yes.

24 Q. So we'd have to get the Paper 222. Those  
25 are like the ordering forms --

1 A. Yes.

2 Q. -- official forms for controlled substance,  
3 right?

4 A. Yes.

5 Q. Including oxy, right?

6 And he's telling everyone that this is a big  
7 opportunity to sell some product, right?

8 A. Yes.

9 Q. And have you seen this document before?

10 A. I'm sure I saw it. I was copied on it.

11 Q. So this was a lot of product that you  
12 suddenly had available to sell because of some  
13 patent infringement situation?

14 A. Yeah. I believe, as I read this, the --  
15 that first bullet point, Number 1, where it says,  
16 "We understand at this point no additional generic  
17 suppliers."

18 So that makes this one of those kind of, you  
19 know, interesting, you know, product offerings,  
20 where we have inventory, potentially others don't,  
21 or at some point won't. It's a short supply item.

22 Q. Doesn't this smack of the "just move the  
23 product" that we talked about earlier today?

24 MS. KOSKI: Object --

25 BY MR. PENNOCK:

1 Q. Do you know what I mean by that? Doesn't  
2 this smack of that? Do you know what -- do you know  
3 what that phrase means?

4 A. I don't agree with where you're going,  
5 whether I --

6 Q. Do you know what that phrase means?

7 A. Enlighten me.

8 Q. Hmm?

9 A. No, please --

10 Q. How about this.

11 Doesn't it sound like the president of the  
12 company, when he said -- what was it -- "just move  
13 the product" in that leadership meeting?

14 A. No.

15 Q. You don't think it sounds like that?

16 A. Not even close.

17 Q. Not even close?

18 A. No, because --

19 Q. Doesn't it sound like -- doesn't it sound  
20 like these other things we've been looking at, like,  
21 you know, "save his business" that we looked at that  
22 you wrote, save -- "save his business"?

23 A. No.

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:



1 Q. Doesn't it look like the situation where  
2 Norm was going to call Aetna to try and sell the oxy  
3 to Aetna? Isn't it the same kind of situation?

4 MS. KOSKI: Object to form.

5 A. It would be curious. That situation from a  
6 timing standpoint to this one may have been in the  
7 same time frame, but there may be a parallel there.  
8 This was a market-driven scenario. As a secondary,  
9 if you have product and others do not, that's a good  
10 thing for you.

11 Q. We had the -- you know, remember we had the  
12 Rochelle Vance sales opportunity for the oxy  
13 products.

14 Remember that from earlier?

15 A. I do.

16 Q. And we had the Bi-Mart situation from  
17 earlier.

18 Do you remember that?

19 A. I do.

20 Q. Store 610, a store in a place with 37,000  
21 people, right? Remember that?

22 A. I do remember that.

23 Q. We just looked at Norm: Need to raise their  
24 control limits as quick as possible.

25 We looked at that, right?

1 A. Yes.

2 Q. And now we have this -- we've got \$5.5  
3 million worth of oxycodones looking for a home.

4 That's what that says, right?

5 A. I agree that's what that says.

6 Q. As far as you're concerned, no -- there is  
7 not even anything objectionable in that statement?

8 A. I think that's a cute turn of phrase by a  
9 marketing guy of why don't you guys go try to sell  
10 this. When you read the detail, you know, he's  
11 speaking to a market supply issue that creates a,  
12 you know, sales opportunity for us because we have  
13 inventory when others may not.

14 Q. Well, that -- in -- that's the problem with  
15 all of this that we've been looking at, isn't it?  
16 The attitude?

17 MS. KOSKI: Object to form.

18 BY MR. PENNOCK:

19 Q. I'll rephrase.

20 You understand that the issue that we're --  
21 that we've been looking at is that attitude that  
22 prevailed inside Anda with respect to selling  
23 opioids? Do you understand that's the point that  
24 we've been looking at?

25 MS. KOSKI: Objection --

1 BY MR. PENNOCK:

2 Q. Or no, maybe you don't understand that?

3 MS. KOSKI: Object to form.

4 Mischaracterizes testimony.

5 You can answer.

6 BY MR. PENNOCK:

7 Q. I'm sorry. My questioning -- I'll rephrase.

8 She's right this time.

9 We're -- these e-mails that we've been  
10 looking at, sir, all reflect an attitude inside  
11 sales at Anda that had to do with moving product  
12 and -- when you were talking about controlled  
13 substances were the product.

14 MS. KOSKI: Object to form.

15 BY MR. PENNOCK:

16 Q. Do you understand that?

17 A. I do understand that.

18 Q. Don't you agree that the attitude, back  
19 then, at least, was not a responsible attitude  
20 toward this product?

21 MS. KOSKI: Object to form.

22 A. I don't agree.

23 Q. Don't you agree that it was not a cautious  
24 attitude toward this product distribution?

25 MS. KOSKI: Object to form.

1           A.     I do not agree.

2           Q.     Don't you agree that it was an attitude to  
3     inside sales of "just move this product" like it was  
4     any other type of product, widgets?

5           MS. KOSKI:   Object to form.

6           A.     I think there was -- there was definitely  
7     more caution related to these types of products than  
8     others; however, from a sales standpoint, we were  
9     very much trying to sell with having the compliance  
10    as a separate group, as you mentioned, as our  
11    backstop.

12           We -- but, you know, pulling e-mails across  
13    years and looking at someone's language, I mean, I  
14    would ask Marc about his language on looking for a  
15    home for that. I don't -- you know, that's --  
16    that's pulling a lot of strings together.

17           Q.     Looking for a home to destroy maybe, huh?

18           MS. KOSKI:   Object to form.

19           You don't have to answer that.

20    BY MR. PENNOCK:

21           Q.     You made some allusion to one e-mail or a  
22    handful of e-mails, but we talked earlier, we're  
23    only looking at e-mails that you were on, right?

24           MS. KOSKI:   Object to form.

25    BY MR. PENNOCK:

1 Q. Aren't we?

2 A. I don't know. Was I on all of these?

3 Q. At some point in the thread you were on the  
4 e-mails.

5 A. Okay.

6 Q. And we talked earlier, there are only a few  
7 hundred over 12 years with your name on it?

8 MS. KOSKI: Object to form.

9 A. Is that a question?

10 Q. Yes. The question was: And we talked  
11 earlier, there are only a few hundred over 12 years  
12 with your name on it?

13 MS. KOSKI: Object to form.

14 A. Okay.

15 Q. Right?

16 A. That's not a question.

17 Q. That exists today?

18 A. You're asking me if that's the case. I  
19 don't know. I can't look that up.

20 MS. KOSKI: Objection. That  
21 mischaracterizes -- "that exists today" is not  
22 what you talked about earlier, right?

23 BY MR. PENNOCK:

24 Q. We're talking about e-mails with your name  
25 on it related to opioids. There are only some few

1       hundred e-mails for an entire 12-year period.

2               MS. KOSKI:   Object to form.

3       Mischaracterizes the discovery record.

4       A.    Again, I'm sorry, I'm not -- I don't know  
5       what your question is because I can't --

6       Q.    My question is you understand that there are  
7       only --

8       A.    I understand that you're telling me that.

9       Q.    That I'm telling you that?

10      A.    Yes.

11      Q.    And you said that didn't surprise you or  
12      words to that effect?

13      A.    Correct.

14               MS. KOSKI:   Object to form.

15      BY MR. PENNOCK:

16      Q.    Right?

17      A.    Yeah.

18      Q.    You said, yeah, there might have only been a  
19      few hundred e-mails related to opioids with my name  
20      on it, right?

21      A.    Yes.

22      Q.    Okay.   But then you made some allusion to  
23      this, like I'm picking out, you know, a limited  
24      number of e-mails, but you understand the pool from  
25      which we had to look was pretty limited.

1 A. Okay.

2 MS. KOSKI: Object to form. Argumentative.

3 BY MR. PENNOCK:

4 Q. Okay. I'll withdraw that.

5 (Discussion off the record.)

6 (Anda-Versosky Exhibit 14 was marked for  
7 identification.)

8 BY MR. PENNOCK:

9 Q. We've marked as Exhibit 14 to your  
10 deposition a document that appears to be some type  
11 of promotion that was faxed out to customers, right?

12 A. Yes.

13 Q. And it would have been faxed out to  
14 customers who still ordered by paper.

15 Do you agree with that?

16 A. Well, it says order using CSOS or 222 forms.  
17 So it's -- people that were using paper would have  
18 gotten it, that's right.

19 Q. People that were using paper would have  
20 gotten it?

21 A. Yes.

22 Q. But do you think all of your customers got  
23 this?

24 A. It's possible.

25 Q. How many customers would that have been?

1 MS. KOSKI: Object to form.

2 A. Yeah, the number of customers that we had a  
3 fax number for, I think, was north of 10,000.

4 Q. North of 10,000?

5 A. Yes.

6 Q. And this Exhibit 14 is the -- relates to the  
7 \$5.5 -- I'm sorry, \$5.5 million worth of oxycodone  
8 that you had on hand?

9 MS. KOSKI: Object to form.

10 MR. PENNOCK: Withdrawn.

11 BY MR. PENNOCK:

12 Q. This relates to the \$5.5 million of oxy --  
13 of Ranbaxy's oxycodone, right? That's what this  
14 relates to?

15 A. Yeah, I would assume so, yes.

16 Q. You assume so? I mean, could it be any more  
17 clear?

18 A. Well, I don't see a date on here, so I'm  
19 sorry, I'm not trying to --

20 Q. Okay. Well, it says -- it says -- it has --  
21 from the e-mail, we see here's the item number,  
22 brand --

23 A. I know it --

24 Q. -- so then we've got the NDC number, right?

25 A. Sure.



1 Q. Okay. And it's essentially replicated here.

2 A. Okay.

3 Q. Okay?

4 So this document, Exhibit 14, which is Bates  
5 number 0000110042, this document, Exhibit 14,  
6 relates to the \$5.5 million of Ranbaxy's oxycodone  
7 that Marc Falkin e-mailed to everybody, correct?

8 MS. KOSKI: Object to form.

9 BY MR. PENNOCK:

10 Q. Correct?

11 A. Once again, I assume so.

12 Q. Is there some reason you have any doubt  
13 about that?

14 A. I believe oxycodone had, you know, more than  
15 one market supply issue related to it, so it's  
16 possible this may have happened more than once.

17 Q. WANTED: Paper 222 forms for those customers  
18 not ordering by CSOS.

19 Do you see that statement?

20 A. I do.

21 Q. You will recall that Ranbaxy only had  
22 approval of the settlement with Purdue for  
23 10 milligram and 20 milligram.

24 Do you see that statement?

25 A. I do.

1 Q. And you do see this information up here,  
2 don't you?

3 A. I do.

4 Q. And you're telling me there is some doubt  
5 that -- as to whether this relates to the  
6 \$5.5 million in oxy that Falkin was e-mailing  
7 everyone about?

8 A. I'm just saying I don't know exactly that  
9 that's the case. If -- for the purposes of moving  
10 forward, sure, looks like that would be a marketing  
11 piece that would have been put together in relation  
12 to the scenario in the e-mail.

13 Q. In fact, it even tells them on here, kind of  
14 gives a little -- this is a fax. It just gets blast  
15 out to north of 10,000 customers at one time, right?

16 A. A point of clarification on that. And this  
17 is something that like a Marc may have better  
18 information related to. That 10,000, they may have  
19 pared that down to only customers that were allowed  
20 to buy controls or -- you know, there was that  
21 ability to kind of target market, not just blast it  
22 out to the world.

23 Q. There was that ability. Okay.

24 A. No, there was that ability.

25 Q. There was that ability?

1 A. Yes.

2 Q. Okay. This would have gone to some -- some  
3 number of thousands of customers?

4 A. Potentially, yeah.

5 Q. Okay. And it tells them -- kind of gives  
6 them a little instructions how to fill out the form  
7 222, right?

8 A. Yes.

9 Q. And it even -- you were even going to  
10 provide FedEx envelopes -- prepaid FedEx envelopes  
11 so they could send this form back?

12 A. Yeah. Can I clarify on that, on why that  
13 happened? All right. So --

14 Q. So, well, first of all -- you can, yes.  
15 I'll ask you in a second.

16 But you were providing a prepaid return  
17 envelope for FedEx to send this form back --

18 A. Yes.

19 Q. -- to you, right?

20 A. Yes.

21 Q. To effectuate the order if somebody wanted  
22 to do so, right?

23 A. To effectuate it more quickly, yes.

24 Q. So effectuate it more quickly. Okay.

25 And you provided these prepaid FedEx

1 envelopes why?

2 A. So the normal -- a normal product order  
3 would be like ordered electronically online,  
4 whatever, shipped next day to the customers. They  
5 order from us today; tomorrow, they have a product.

6 In the form of a 222, they would have to  
7 mail the form, it would be processed, and then the  
8 product would be shipped out. There was an extra  
9 lag in days.

10 And so by providing the FedEx envelope, it  
11 sort of collapsed that time as opposed to them  
12 having to request a FedEx pickup and give it back.

13 Q. Made it go faster?

14 A. Made it go faster. For a product that was  
15 in short supply in the market, that was important.

16 Q. Did y'all ever wonder why this product was  
17 always in short supply on the market?

18 MS. KOSKI: Object to form.

19 BY MR. PENNOCK:

20 Q. That's a simple question.

21 Did you ever sit there and go, gee, how  
22 come -- how come oxycodone always seems to be in  
23 short supply on the market?

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:

1 Q. Did you ever think about that?

2 MS. KOSKI: Object to form. Sorry.

3 BY MR. PENNOCK:

4 Q. Yes or no?

5 A. Yes, we knew why.

6 Q. Oh, you knew why. Why did you know?

7 A. It wasn't in short supply overall. The  
8 generic was in short supply.

9 Q. I see.

10 A. Not the brand. So people were looking to  
11 get the generic so that they would --

12 Q. Get it cheaper?

13 A. -- could dispense that instead of the brand.

14 Q. I think we've all heard that phrase before,  
15 haven't we? We've heard that phrase before, "order  
16 while supplies last"?

17 A. Yes.

18 MS. KOSKI: Object to form.

19 BY MR. PENNOCK:

20 Q. Everybody has heard that phrase before  
21 probably, right?

22 A. Yes.

23 Q. Doesn't it sound to you like "just move the  
24 product"? Doesn't it sound like that --

25 MS. KOSKI: Object to form.

1 BY MR. PENNOCK:

2 Q. -- to you?

3 A. It doesn't.

4 Q. Doesn't. Does not?

5 A. No. I still go back to this was a -- this  
6 was a product that people needed that we had supply  
7 of. So this is -- is it a, you know, an  
8 incentivizing statement to a customer that you need  
9 to do this quickly? Yes. It's because we were  
10 going to run out of product.

11 Q. So an incentivizing statement to a customer  
12 about selling what, in essence, were heroin pills,  
13 right?

14 MS. KOSKI: Object to form.

15 You don't have to answer that.

16 A. Yes.

17 Q. And you certainly all needed to incentivize  
18 the customer because you had \$5.5 million of this  
19 stuff on hand that you wanted to find a home for,  
20 correct?

21 A. I think that's unfortunately a  
22 misrepresentation. I mean, a market supply issue  
23 like that, \$5.5 million, we were going to sell it  
24 because there was more need than that out there.

25 Q. Okay.

1 MR. PENNOCK: I guess this would be a good  
2 time to break for lunch if you want to.

3 MS. KOSKI: Okay.

4 MR. PENNOCK: Okay. Let's do that.

5 THE VIDEOGRAPHER: Off the record,  
6 12:44 p.m.

7 (Recess from 12:44 p.m. until 1:36 p.m.)

8 THE VIDEOGRAPHER: On the record, 1:36 p.m.

9 BY MR. PENNOCK:

10 Q. Mr. Versosky, are you ready?

11 A. Yes.

12 Q. I want to --

13 MR. PENNOCK: I need a copy of this. Sorry,  
14 I'll do it later. Here, take that.

15 BY MR. PENNOCK:

16 Q. Okay.

17 (Discussion off the record.)

18 MR. PENNOCK: Katy, let's go off the record,  
19 please.

20 THE VIDEOGRAPHER: Off the record, 1:37.

21 (Recess from 1:37 p.m. until 1:40 p.m.)

22 THE VIDEOGRAPHER: On the record, 1:40 p.m.

23 BY MR. PENNOCK:

24 Q. Sir, I'm going to mark the next exhibit to  
25 your deposition.

1 (Anda-Versosky Exhibit 15 was marked for  
2 identification.)

3 BY MR. PENNOCK:

4 Q. Let me know when I may proceed,  
5 Mr. Versosky.

6 A. Sure, I think you can proceed.

7 Q. I've marked as Exhibit 15 to your deposition  
8 an e-mail bearing the number 0000610318.

9 This is an e-mail -- started out with an  
10 e-mail from Kristin Watson to a few people,  
11 including you, and then it ended up with a response  
12 from you.

13 Right?

14 A. Yes.

15 Q. And continuing where we were, this talk --  
16 the topic that I was talking to you about, so this  
17 is -- this is November 10th, 2009, right?

18 A. Yeah.

19 Q. That's your e-mail -- your response, anyway,  
20 was November 10th. Yeah, the original e-mail was  
21 also November 10th.

22 And it's -- this Kristin Watson, department  
23 coordinator, what was that? What would she do?

24 A. I believe -- so on the telesales floor,  
25 there were, you know, I think 100 some-odd -- 150



1       telesales people. The department coordinator was  
2       kind of a -- you know, what you would call like an  
3       admin for -- within that group to handle some  
4       process stuff related to that many telesales people.

5           Q.     Well, she wrote: I have received a new  
6       account request for Shamrock Medical Solutions  
7       Group. This client is licensed as a wholesale and  
8       wholesale repackager.

9                   Have I read that correctly?

10          A.     Yes.

11          Q.     Please advise as to whether or not I can  
12       proceed with processing this request.

13                   Right?

14          A.     Yes.

15          Q.     So this Shamrock Medical Solutions Group  
16       apparently wanted to open up an account with you;  
17       true?

18          A.     That's how I read this, yes.

19          Q.     So -- but she sends that up to you and  
20       George Fields and Brian Witte. And your response  
21       is: Okay by me. Who is the rep?

22                   Do you see that?

23          A.     Yes.

24          Q.     So what was the reason that she needed  
25       clearance from you?

1 A. She didn't need clearance from me.

2 George -- so because it was a wholesaler  
3 distributor, those typically flowed through George  
4 with a copy to me and Brian.

5 Q. But as a wholesale -- as a wholesale  
6 distributor at this time, in 2009, that could --  
7 this distributor could be somebody that requested to  
8 purchase opioids, right?

9 MS. KOSKI: Object to form; calls for  
10 speculation.

11 MR. PENNOCK: Well, I don't think it does.

12 BY MR. PENNOCK:

13 Q. If you were selling to a whole -- if you  
14 were opening up a new account for a wholesale  
15 distributor in 2009, that company, after you opened  
16 the account, might ask to buy opioids?

17 MS. KOSKI: Same objection. You can answer.

18 A. Yeah, I would -- I would say it's possible,  
19 but in -- I don't recall specific dates on this, but  
20 I don't believe we sold wholesalers and distributors  
21 controlled substances past a certain point.

22 Q. Yeah. We'll get to that.

23 A. Okay.

24 Q. And wholesale -- or wholesale repackagers  
25 past a certain point?

1 A. Right.

2 Q. But at this point in time you did.

3 MS. KOSKI: Object to form.

4 A. I don't -- I don't know that factually.

5 Q. Okay. The cutoff was June 17th, 2010.

6 Does that ring a bell?

7 MS. KOSKI: Object to form.

8 A. It doesn't ring a bell, but if you're  
9 telling me -- I know there was a date after which we  
10 did not do that anymore.

11 Q. Right. There was a date after which you  
12 didn't sell to wholesalers, wholesale repackagers,  
13 repackagers --

14 A. Yeah. Anybody that was not in use, yeah.

15 Q. -- doctors, clinics.

16 Remember that cutoff, when that happened?

17 A. I don't remember that cutoff, no.

18 Q. Okay. We'll talk about that in a minute.

19 So that was -- subject to connection, you  
20 will see that was on June 17th, 2010.

21 A. Okay.

22 Q. Can you accept that for a second?

23 A. Yes.

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:

1 Q. Okay. So this was before that, 2009, and  
2 you're -- so your response was: Okay by me. Who's  
3 the rep?

4 Do you see that?

5 A. Yeah.

6 Q. So is it fair to say that you did no  
7 analysis with respect to who this new wholesale and  
8 wholesale repackager was before you approved that?

9 MS. KOSKI: Object to form.

10 A. I think it's fair that I didn't do any  
11 additional. I think I was probably on there as a  
12 check in case -- at that point we were concerned  
13 about wholesalers and distributors that we  
14 considered to be competitors in the market, and we  
15 didn't necessarily want to sell to them.

16 So Shamrock Medical, I assume -- I hadn't  
17 heard of them. So for me it was an easy, yes, okay  
18 by me.

19 Q. So your only role in terms of approving the  
20 opening of this account was just to make sure they  
21 weren't a competitor of yours?

22 A. I believe so, yeah.

23 Q. This company, a few years later, was shut  
24 down by the FDA, wasn't it? Do you remember that?

25 A. I don't.

1 MR. PENNOCK: I have to remember not to  
2 break for lunch next time.

3 MS. KOSKI: I was going to give you a hot  
4 turkey dinner in the hopes that you'd just fall  
5 asleep.

6 (Anda-Versosky Exhibit 16 was marked for  
7 identification.)

8 BY MR. PENNOCK:

9 Q. Sir, I've shown you what's been marked as  
10 Exhibit 16 to your deposition. This is a printout  
11 off the internet I'll represent to you that I  
12 printed out. It's from an article from  
13 September 18th, 2013, about four years after the  
14 exchange we were just looking at, three-and-a-half  
15 years, whatever.

16 Okay. Do you see Exhibit 16?

17 A. Yes.

18 Q. Does that at all refresh your recollection  
19 as to learning that Shamrock was ultimately shut  
20 down by the FDA?

21 A. No.

22 Q. If a company was shut down by a governmental  
23 agency, one that you had been selling to, is there  
24 any procedure for alerting you to that?

25 A. No. The -- so the individual rep would have

1     been notified, but, you know, me, at multiple levels  
2     above that, I would not have seen that.

3           Q.     Wouldn't that have been important for you to  
4     know, to see if companies were being shut down that  
5     you had been selling to and then trying to find out  
6     why?

7           A.     Potentially, if it was a large customer or  
8     there was some, you know, specific issue that I was  
9     involved with that customer. And in this case, I  
10    think we -- we sold to several hundred small  
11    wholesalers and distributors. I don't know that I  
12    would have seen this.

13          Q.     Well, this -- this company, according to  
14    this article, was shut down because it was  
15    packaging -- it was packaging opioids without proper  
16    labeling.

17                 MS. KOSKI: Object to form.

18    BY MR. PENNOCK:

19          Q.     Right?

20          A.     Yeah, I think that's what the article says,  
21    yes.

22          Q.     And just coming back to did you ever ask  
23    anyone to put a procedure in place to let leadership  
24    in sales, namely you, know when a -- when a customer  
25    had been shut down by the DEA or FDA for some -- --

1 A. No.

2 Q. -- for some irregularity?

3 A. No.

4 Q. In -- we -- I mentioned earlier this  
5 shutdown of June 17th, 2010, and I'm going to show  
6 you some documents that will perhaps refresh your  
7 recollection on that.

8 (Anda-Versosky Exhibit 17 was marked for  
9 identification.)

10 BY MR. PENNOCK:

11 Q. May I proceed, Mr. Versosky?

12 A. Yes, please.

13 Q. So Exhibit 17, this is an e-mail thread and  
14 it -- the first e-mail is on June 18th, 2010.

15 A. Uh-huh.

16 Q. And it's from Anita Isabella -- or is that  
17 Isabella Anita?

18 A. Anita Isabella.

19 Q. And it's to the president of the company,  
20 Albert Paonessa, right?

21 A. Yes.

22 Q. Brian Witte. We heard about him earlier?

23 A. Yes.

24 Q. Marc Falkin?

25 A. Yes.

1 Q. And yourself?

2 A. Yes.

3 Q. And Kim Bloom?

4 A. Yes.

5 Q. And a host of others, including Michael  
6 Cochrane, right?

7 A. Yes.

8 Q. Importance: High.

9 And Ms. Isabella writes: Attached are the  
10 2009 to 2010 year-to-date sales for accounts that  
11 were cut off from buying controls yesterday.

12 Have I read that correctly?

13 A. Yes.

14 Q. The list, control customer sheet in the  
15 file, represents only accounts currently active that  
16 have had control sales this year. There are 2,706  
17 accounts.

18 Do you see that?

19 A. Yes.

20 Q. Do you remember this now?

21 A. I remember that it happened, yeah, yes, I  
22 guess.

23 Q. An active account that has not ordered this  
24 year or has only ordered noncontrols will not be on  
25 this list but was cut off also.



1 Right?

2 A. Yes.

3 Q. So there were actually a lot more accounts  
4 than the 2,706 controls accounts?

5 A. I don't know that it was a lot more, but  
6 there were potentially more, sure.

7 Q. Okay. We'll look at that in a minute.

8 A. Yeah.

9 Q. But if I told you it was 8,992 accounts,  
10 would that surprise you?

11 MS. KOSKI: Object to form.

12 BY MR. PENNOCK:

13 Q. If I told you it was 8,992 accounts, you  
14 would agree that was a lot more than 2,706?

15 A. That is a lot more, but from a process  
16 standpoint, my assumption is the customers -- that  
17 would have basically been a full customer file that  
18 hasn't gone through any kind of due diligence.

19 It's not like they could buy controls, I  
20 don't believe. It was just that they hadn't started  
21 any process, and they flipped them all to they  
22 couldn't. So it, you know, was an extra layer of  
23 protection.

24 Q. So -- so they were shut down -- they may not  
25 have been able to buy controls or they may not have

1       bought controls, but they were shut down regardless?

2           A.     Correct.

3           Q.     According to her -- okay.

4                   So in any event, there are 2,706 accounts  
5       that were currently buying controlled substances  
6       from Anda that were shut down?

7           A.     Yes.

8           Q.     Right?

9           A.     Yes.

10          Q.     And the total amount of sales that had  
11       happened year-to-date, that means January 1 to  
12       January 17 -- I'm sorry.

13                  The total number of sales that had happened  
14       year-to-date, that means January 1 to June 17th,  
15       right?

16          A.     Yes.

17          Q.     For controlled substances was \$12,700,000?

18          A.     Yes.

19          Q.     Big number, right?

20          A.     Yeah.

21          Q.     And she notes the controlled substances  
22       sales, quote, for these customers were \$18 million  
23       last year. So we were tracking up 52 percent for  
24       this year, end quote.

25                  That's what she's pointing out, right?

1           A.    I see that, yes.

2           Q.    So in the year -- what that's saying is the  
3   year before, for the whole year, we had \$18 million  
4   in controlled substances sales to the customers  
5   being cut off as of yesterday.

6                   Right?

7           A.    Yes.

8           Q.    And but this year, based on where we're  
9   going, we're up over 50 percent --

10          A.    Yes.

11          Q.    -- in sales?

12                   Now, you were vice president for national  
13   accounts at this time -- or had you been moved up?  
14   No, it's -- no, you'd been moved up.

15                   You had been elevated to vice president of  
16   sales and marketing?

17          A.    It was right in this time, yeah.

18          Q.    Right.

19                   That happened like in May, I think, right?

20          A.    Somewhere around there.

21          Q.    So you were VP for sales as of this point.

22                   This -- do you know how it was that you were  
23   able to bump sales of controlled substances  
24   52 percent across the board -- across the board just  
25   for certain customers?

1           A.     Yeah.   Can I make a point of clarification?

2                     So, again, I was -- VP of sales was my  
3     title, all right, and I ran national accounts.

4           Q.     Yeah.

5           A.     Physicians, clinics, vet -- and the two  
6     vets, along with the majority of the mailers,  
7     repackagers, and wholesaler distributors were  
8     managed in the Brian Witte realm of telesales.

9                     So not that I didn't have any, you know,  
10    involvement in this.   Like in the previous e-mail, I  
11    looked at that wholesaler along with, I believe,  
12    Brian, but I wasn't as close to this as you're -- I  
13    guess you're questioning.

14          Q.     Well, you -- you were a member of the  
15    leadership team for the entire company?

16          A.     I am saying I am aware -- I was aware, yes.

17          Q.     Your title was vice president for sales --

18          A.     That's why I continue to clarify that it was  
19    a title, right, but I had a vertical in sales.  
20    There was another vertical in sales.

21                    Frankly, there were three verticals because  
22    physicians were in a completely different group  
23    but --

24          Q.     So -- okay.

25                    Nevertheless --

1 A. Yes.

2 Q. -- when -- when you saw this number, that  
3 was a big hit?

4 A. Not really, because -- and we'd have to look  
5 at the overall sales of the company, but we were  
6 doing, I think, a billion dollars at that point in  
7 total sales. So, you know, \$12 million is not, you  
8 know, incredibly significant in the grand scheme of  
9 things.

10 Q. You sent out -- your company sent out a fax  
11 to thousands of customers to sell 5.5 million  
12 dollars of oxy just, like, a year before this.

13 A. Correct. Because there was a market, you  
14 know, supply interruption and that created, you  
15 know, a reason for us to reach out to customers.

16 Q. Right. So you're -- okay. So you're saying  
17 that \$12.7 million in sales for six months was not a  
18 big deal?

19 MS. KOSKI: Object to form.

20 A. \$12.7 million is \$12.7 million, but I'm just  
21 saying, in the grand scheme of things it wasn't  
22 dramatic.

23 Q. Was it -- was it dramatic that you had been  
24 told by the Drug Enforcement Administration, the  
25 DEA, that you could no longer sell to any of these

1 entities?

2 MS. KOSKI: Objection to form;

3 mischaracterizes.

4 A. Were we told that?

5 Q. You just said this wasn't dramatic, the  
6 \$12.7 million?

7 A. But your question was, we were told by the  
8 DEA.

9 Q. Well, you didn't --

10 A. I don't know that we were told that.

11 Q. Okay.

12 A. I believe, you know, that we saw --  
13 obviously, we didn't want that kind of growth in  
14 these types of products and we shut them down.

15 Q. Okay. So you're telling us that it's your  
16 testimony that overnight, literally, one day to the  
17 next, from -- on December 17th -- sorry, withdrawn.

18 On June 17th, 2010, you could sell to  
19 physicians, clinics, mail order, repackagers  
20 wholesale distributors, vet distribution,  
21 veterinarian distribution, veterinarian something  
22 else, what's that?

23 A. That's a veterinarian.

24 Q. And four independent retail accounts, you  
25 could sell to all these on June 17th, 2010, but as

1 of June 18th, 2010, no one was allowed to sell to  
2 any of them from your company, right?

3 A. Correct.

4 Q. Right? And this was a decision made by the  
5 company --

6 A. I --

7 Q. -- not because of something the DEA told  
8 them to do?

9 A. I don't believe that I was part of making  
10 that decision, so I'm not sure that I'm the most  
11 informed to answer that.

12 Q. Okay. Well, I mean --

13 A. It's possible we were told by the DEA. I  
14 don't know that. I don't --

15 Q. Well, if you had been in charge --  
16 withdrawn.

17 If you had been part of making this  
18 decision, that's something you would remember, isn't  
19 it?

20 A. Yes.

21 Q. Okay. So -- so you don't know as we sit  
22 here today, whether this was an independent decision  
23 by the company or whether it was a decision that was  
24 as a result of dealings with the DEA?

25 MS. KOSKI: Object to form.

1 Q. You don't know that?

2 MS. KOSKI: Sorry. Object to form.

3 A. I don't know specifically. I would  
4 assume -- I believe it was related to dealings with  
5 the DEA. You said before that the DEA specifically  
6 told us not to do that. I don't -- I don't know the  
7 details related to that.

8 Q. Okay. Well, subsequent to this, there was  
9 the development of something you made mention of  
10 earlier, a questionnaire.

11 A. Uh-huh.

12 Q. Right?

13 A. Yes.

14 Q. Yeah. You mentioned it in passing earlier,  
15 one of your answers.

16 MS. KOSKI: Object to form.

17 Q. And the -- what you were alluding to, the  
18 questionnaire is a document that Anda started to  
19 require each of their controlled substance customers  
20 to fill out, right?

21 A. Yes.

22 Q. And that was also something that resulted  
23 from dealings with the DEA, right?

24 MS. KOSKI: Object to form.

25 A. Yes, I believe so.



1 MR. PENNOCK: I think I only have -- did you  
2 have other copies of this? I only have one extra  
3 copy of this. Know your controlled substances.

4 Oh, no, they are all clipped together. Okay.

5 (Discussion off the record.)

6 (Anda-Versosky Exhibit 18 was marked for  
7 identification.)

8 (Anda-Versosky Exhibit 19 was marked for  
9 identification.)

10 BY MR. PENNOCK:

11 Q. So, Mr. Versosky, Exhibit Number 18 to your  
12 deposition is a document bearing Bates number  
13 000077289. Have you had a chance to look at that?

14 A. Yes.

15 Q. And it's an e-mail from someone by the name  
16 of Megan Talber.

17 A. Yes.

18 Q. It went to the president of the company,  
19 right?

20 A. Yes.

21 Q. A number of others and it was cc'd to you  
22 and some, Christine Leon-Laurent, right?

23 A. Yes.

24 Q. Controlled Substances Training Materials,  
25 right?

1           A.     Yes.

2           Q.     That's what this subject is?

3           A.     Uh-huh.

4           Q.     Okay. This is October 19, so this is --  
5           this is four months after the shutdown occurred of  
6           all those customers we just looked at, right?

7           A.     Yes.

8           Q.     Okay. So about four months later we have  
9           being transmitted here: Attached are the revised  
10          materials for the controlled substance training  
11          program. We will be meeting with the sales managers  
12          at 2:00 p.m. to review the materials.

13          A.     Uh-huh.

14          Q.     Now, she says attached are the revised  
15          materials. Had you seen these before this set was  
16          transmitted to you?

17          A.     I don't believe so, and when she speaks to  
18          sales managers, Megan Talber was our training person  
19          for the telesales representatives, so this would  
20          have been a training document put together for that  
21          larger 150-person group. Christine Leon-Laurent was  
22          a director of kind of sales operations on my  
23          national account team, so she may have managed the  
24          training for my team.

25          Q.     Did you have any involvement in the training

1 for your team?

2 A. I don't believe so, but -- I don't remember  
3 training my team on this.

4 Q. Did you get trained?

5 A. I would have read the document, I'm sure,  
6 but --

7 Q. You would have read the document but you  
8 don't have any recollection of actually receiving  
9 training about the document?

10 A. It don't -- I don't remember that, no.

11 Q. So the document is Exhibit 19.

12 MS. KOSKI: Yes, go ahead.

13 Q. And the document is Bates number 0000077290.  
14 It is produced in native format and therefore has a  
15 cover sheet. Controlled substances: Know your  
16 customer.

17 A. I believe I may have -- I believe I sat  
18 through this training.

19 Q. Okay. Well, the training was something that  
20 was the result of interactions with the DEA earlier  
21 that year, right?

22 A. I don't know that.

23 Q. You don't know that? Do you think that --  
24 is it your recollection the company just  
25 spontaneously commenced this training controlled

1 substances: Know your customer?

2 MS. KOSKI: Object to form.

3 A. Do you want to restate that question?

4 Q. Sure. Do you know whether or not this  
5 training was the result of interactions that the  
6 company had had with the DEA regarding the company's  
7 sale of controlled substances?

8 A. I don't know that this training specifically  
9 was, but the overall, you know, trying to do more  
10 would have been the result of that.

11 Q. Okay. And the know your customer sort of  
12 mantra was something that the DEA was urging your  
13 company to -- and other companies -- to start doing,  
14 right?

15 MS. KOSKI: Object to form.

16 A. Yes, that was -- yes.

17 Q. Okay. So we talked earlier, and you had  
18 pointed out that in your view, compliance was  
19 dealing with the customer issues and identifying  
20 them as it may concern controlled substances and  
21 sales did not do that. Do you remember that  
22 discussion on and off?

23 A. Yeah, correct. It's again, sales was  
24 collecting information and --

25 Q. Right?

1           A.     Sales was where there were questionnaires,  
2           they were getting the questionnaires and passing  
3           those to compliance.

4           Q.     But now we're taking it to another level for  
5           sales, right?

6           A.     Yes.

7           Q.     And the questionnaire was something that --  
8           it was a questionnaire that the question had to fill  
9           out for each of its stores, if it had more than one  
10          store, right?

11          A.     Yes.

12          Q.     And the point of filling out the  
13          questionnaire -- withdrawn.

14                 The questionnaire or the -- was a form that  
15          was being used in order to try and get in one place,  
16          in a uniform way, information about the store and  
17          its dispensing history, is that reasonably fair?

18          A.     Yeah. I think it was a -- there was already  
19          a quantitative look. This was more of getting some  
20          qualitative information.

21          Q.     And by that you mean just -- more getting  
22          some information that related to a particular store,  
23          not just its numbers, but --

24          A.     Yes.

25          Q.     -- answers to specific questions about how

1       they were operating?

2           A.    Yes.

3           Q.    And where they were operating, right?

4           A.    Yes.

5           Q.    And it comes back, these things come back to  
6       having a better understanding of who the customer is  
7       so that you can have a better understanding as to  
8       whether or not they should be selling as much  
9       controlled substances as they are asking for?

10          A.    Yes.

11          Q.    And in the presentation, if you turn -- I'm  
12       sorry these aren't paginated, but you can look on  
13       the screen.  There is a -- the know your customer  
14       initiative --

15               MS. KOSKI:  On the bottom right there is  
16       slide numbers, they are hard to see but you can  
17       see them on the bottom right hand.

18          A.    They are in the dark.

19               MS. KOSKI:  It's hard to see because it's  
20       not in color.

21          Q.    Yeah, page 6 of the PowerPoint presentation,  
22       know your customer initiative, right?

23          A.    Uh-huh.

24          Q.    And it says in an attempt to get to know our  
25       customers, and determine -- let me put this up so

1 I'm not -- there we go.

2 A. That's all right. I have it here.

3 Q. I know, just for the -- for the video.

4 A. Oh.

5 Q. It says: In an attempt to get to know our  
6 customers and determine their controlled substances  
7 purchasing needs, two forms have been developed to  
8 assist Anda/VIP, with determining the customer's  
9 controlled substances purchasing eligibility.

10 Right? I've read that correctly?

11 A. Yes.

12 Q. Who is VIP?

13 A. It was a sister company.

14 Q. So the two forms, one of them is the know  
15 your customer form, right?

16 A. Yes.

17 Q. That's something that would be filled out by  
18 the sales rep in combination with their manager?

19 A. I believe so, yes.

20 Q. And then the customer questionnaire was  
21 filled out by the customer?

22 A. Yes.

23 Q. And when the customer filled that out, then  
24 you'd have some information straight from each  
25 store, right?

1 A. Yes.

2 Q. And the customer questionnaire form, now at  
3 page 8, in this training it said: This form will be  
4 used to determine the customer's potential for  
5 controlled substance purchasing from Anda.

6 Right?

7 A. Yes.

8 Q. Okay. So these -- this was -- this was  
9 something that they, again, they provided -- you --  
10 your company provided -- you sent it by FedEx,  
11 right?

12 A. Uh-huh. Yes.

13 Q. Do you see that?

14 A. Yes.

15 Q. And you had a postage prepaid return  
16 envelope?

17 A. Yes.

18 Q. And you were even going to tell the rep when  
19 it -- through your computer system, when the survey  
20 had been sent to the customers so they would know?

21 A. Yes.

22 Q. Okay. And for -- well, new accounts and for  
23 reactivating any accounts that may have been closed,  
24 that's what that means, react, right?

25 A. Not that it had been closed. That meant



1       that someone hadn't bought from us in a certain  
2       period of time, so six months, a year, whatever.

3           Q.     Oh, okay.

4           A.     Not that they --

5           Q.     So this was new accounts or someone that  
6       hadn't bought from you in six months or some period  
7       of time?

8           A.     Yeah.   Yes.

9           Q.     Okay.   Well, in any event, the training  
10       noted that this questionnaire gives the compliance  
11       department the tools they need to assess the  
12       customer's potential controlled substance purchasing  
13       capabilities.

14          A.     Yes.

15          Q.     This was something the company was putting  
16       in place in 2010 to try and improve dealing with the  
17       controlled substances distribution issues.   Right?

18          A.     Yes.

19               MS. KOSKI:   Object to form.

20          Q.     Okay.   Now, do you know why it took four  
21       months from when you shut down those 2600 customers  
22       to put together training materials for the sales  
23       reps and this questionnaire process?

24          A.     I don't.   I know when -- when we put  
25       together our questionnaire, you know, to a degree I

1 think our -- you know, we were looking at best  
2 practices in the industry also, and I think their --  
3 you know, it's almost at the same time everybody  
4 started producing a questionnaire. I don't know if  
5 we were a leader or a follower on that, to be honest  
6 with you.

7 Q. Let's just -- for -- if we just measure from  
8 when you shut down 2600 customers, to when this  
9 comes out, four months is a -- kind of a long time  
10 in the business of sales, isn't it?

11 A. It is.

12 Q. So -- I'll just find something here.

13 (Anda-Versosky Exhibit 20 was marked for  
14 identification.)

15 BY MR. PENNOCK:

16 Q. Sir, we've marked as Exhibit 20 to your  
17 deposition, an e-mail thread bearing Bates number  
18 0000105969 through 970. Could you take a look at  
19 that, please.

20 So, sir --

21 A. I'm sorry.

22 Q. Oh, you're not done yet? I apologize?

23 A. Yeah, just one second. I'm sorry.

24 Okay.

25 Q. You -- I'm looking at this e-mail that you

1 wrote, a couple of e-mails, where March 5th, 2011  
2 you wrote an e-mail, so we're talking now, November,  
3 December, January, February, March -- I've still got  
4 to count on my fingers -- it's five months, just  
5 under five months from when this training took  
6 place, right?

7 A. Yes.

8 Q. And first you said you didn't think you'd  
9 gone to the training, which kind of made sense to me  
10 when I looked at these e-mails, but then you said  
11 you did go to the training, right?

12 MS. KOSKI: Object to form.

13 Q. Okay. And you wrote to Patrick Cochrane:

14 Al -- that's the president, right?

15 A. Yes. Where is Al on here? Sorry.

16 Q. First e-mail --

17 A. Ah, you're right.

18 Q. -- is on Saturday, March 5th, Al spoke of  
19 some change that you wanted to look at proactively  
20 regarding control limits. You also mentioned an  
21 NACDS specification data sheet laying out basic info  
22 regarding a selected chain. Can you forward an  
23 example or copies of this document for the ones you  
24 want to look at.

25 Right?

1 A. Yes.

2 Q. And that's from -- that's from Cochrane to  
3 you? Sorry. Right?

4 A. Yes.

5 Q. You wrote back the same day and you said:  
6 I'm not sure there is one specifically from NACDS.

7 Who is NACDS?

8 A. They are an industry association, so it's  
9 the chain drug stores, National Association of Chain  
10 Drug Stores.

11 Q. Did you work with them?

12 A. We attended their shows, we were a member of  
13 their --

14 Q. You were a member of them?

15 A. Yeah.

16 Q. So you kind of worked with them in terms  
17 of -- well, you're getting, potentially getting  
18 forms from them or stuff like that?

19 A. No. No.

20 Q. What are you getting from them?

21 A. As far as getting anything from them, I  
22 think -- I don't know that we got anything from  
23 them. We -- it's -- again, it's the chain store  
24 group, people like Anda are a part of that because  
25 their trade show is where you go to meet with large

1 numbers of chain customers.

2 The -- I think for what data Al was looking  
3 for would have been if they had some kind of roster  
4 sheet with any sales on it. I don't know that that  
5 exists, but Chain Store Guide was a different thing  
6 that we were -- we had a subscription to that could  
7 go, pull down some metric data related to different  
8 chains and contact names and things like that.

9 Q. Well, you go on to say that: My ultimate  
10 question is can we get info aside from a store level  
11 questionnaire for corporate-owned chains that  
12 satisfies the know your customer requirement.

13 Do you see that statement?

14 A. Yes.

15 Q. Corporate-owned chain, that might be like a  
16 chain like Bi-Mart that we looked at earlier, right,  
17 that had like, 60 stores, right?

18 A. Yes.

19 Q. And that's the one we looked at -- one of  
20 the stores was in Grand Pass, Oregon, remember that?

21 A. Yes.

22 Q. But it could also be, like, a Walgreens that  
23 has thousands of stores, right?

24 A. Yes.

25 Q. Or Rite Aid that has, I don't know,

1       certainly hundreds, maybe thousands, of stores,  
2       right, CVS, right?

3           A.    Yes.

4           Q.    Thousands of stores?

5           A.    (Nodding head.)

6           Q.    So we just went over the know your customer  
7       training and the questionnaire that you were --  
8       everybody was going to get from the customer,  
9       remember -- just a minute ago, right?

10          A.    Yes.

11          Q.    All right. And the whole points of getting  
12       the questionnaire was to understand or get some  
13       understanding -- what was the word you used? I lost  
14       it now.

15                You wanted to get some understanding of each  
16       store, right?

17          A.    Yes.

18                MS. KOSKI: Object to form.

19          Q.    Okay. But here you are, you know, frankly,  
20       sir, less than five months later, trying to  
21       eliminate the questionnaire for many thousands of  
22       stores, weren't you?

23                MS. KOSKI: Object to form.

24          Q.    That's what you're asking to do?

25          A.    So --

1 Q. I'll rephrase the question, there has been  
2 an objection.

3 A. If I can clarify --

4 Q. You were making a request here within five  
5 months of the know your customer questionnaire  
6 training and everything that went into this, you are  
7 asking, can we ditch the store level questionnaire  
8 for corporate-owned chains?

9 MS. KOSKI: Object to form.

10 Q. In effect, that's what you're asking, right?

11 MS. KOSKI: Same objection.

12 A. I --

13 Q. Do you disagree with me?

14 A. I go back to there were two separate sales  
15 teams, right? So the know your customer and the  
16 process that was put in place worked very well as an  
17 individual store level. The business that I was  
18 managing with those customers that may have hundreds  
19 or thousands of stores, that process didn't work.  
20 My question and request was is there a different  
21 process for wholly owned chains because their SOPs  
22 are essentially managed, their compliance is  
23 centrally managed, it's not an individual store  
24 operates differently than the next store. That was  
25 the request.

1 Q. Well, that was -- you don't know whether or  
2 not the individual store in 8,000 Walgreens operated  
3 differently, that would -- that may have been the  
4 whole problem, right?

5 MS. KOSKI: Object to form.

6 Q. You knew that then, didn't you?

7 A. No. From a --

8 Q. No?

9 A. From a policy compliance standpoint, they  
10 would have had one -- they would have had an SOP  
11 across all their stores.

12 Q. There were individual stores, for example,  
13 Walgreens that were shut down and others were not,  
14 shut down in terms of selling CIIs, weren't there?

15 A. I don't know that I knew that in 2011.

16 Q. You certainly knew that among dozens and  
17 dozens of stores, even with the Bi-Mart chain, you

18 [REDACTED]

19 [REDACTED]

20 people at -- that's one store in a chain, maybe you  
21 would want to see the questionnaire from them,  
22 wouldn't you?

23 A. Well, again, I -- we talked about the 3700,  
24 that whole thing. I didn't look at the business  
25 that way.



1 Q. Well, I know. That's the problem.

2 MS. KOSKI: Object -- object to form, if  
3 that was a question.

4 Q. So I think you will agree with me that  
5 having a store-level questionnaire from any store,  
6 whether it's in a chain or not in a chain, was what  
7 was intended by the training program that was put in  
8 place and the procedure that was put in place back  
9 in October of 2010, that was what they wanted,  
10 right?

11 MS. KOSKI: Object to form.

12 A. That was what they wanted to service the  
13 larger portion of customers, which was the  
14 independent pharmacies that were managed on the  
15 telesales floor.

16 Q. There is nothing in this -- do you remember  
17 something from the training that --

18 A. No, I was just telling you how our business  
19 operated. It was really two separate businesses.

20 Q. There was nothing in here that distinguished  
21 chain stores from single standalone independent  
22 stores, were there?

23 MS. KOSKI: Look in the documents in your  
24 pile if you need to.

25 A. To your question, the answer is no, and the

1 process didn't work, which is why I made a request  
2 to change the process.

3 Q. Well, the process -- the point of the  
4 process work -- withdrawn.

5 The way the process was supposed to work was  
6 to give you information on each individual store  
7 that you might be selling controlled substances to,  
8 including opioids, so that you could make a fuller  
9 and better assessment, by you I mean the company.

10 A. Sure.

11 Q. To continue to sell to them or somehow limit  
12 them, that's -- that's how the process was supposed  
13 to work, right?

14 A. Sure, and I think it's reasonable for me to  
15 ask a question here, to say, is there another way we  
16 can do this because the current process doesn't work  
17 for large customers.

18 Q. It didn't work for the customer because they  
19 were frustrated, extremely frustrated, it didn't  
20 work for the customer because they were extremely  
21 frustrated?

22 A. Sure.

23 Q. There is nothing in here that's saying the  
24 process isn't giving us information that's useful  
25 from each store?

1           A.     I agree that doesn't say that, yeah.

2           Q.     Okay. And in fact, even though you said a  
3     little while ago that these corporate chains had the  
4     same standard operating procedure across all the  
5     stores, one of their frustrations is that the  
6     questionnaire was so store specific that they  
7     couldn't fill it out for all the stores at once,  
8     they had to fill it out for each individual store,  
9     that's one of their main frustrations, that's what  
10    it says, right?

11          A.     True, and that was an operational  
12    frustration, so we would have been talking to the  
13    corporate office. Someone in the corporate was then  
14    having frustration of having to disseminate that  
15    packet out to an individual store level. If it's  
16    somebody that has 500 stores, they are now having to  
17    track, you know, 500 questionnaires.

18          Q.     Well, that's terrible that they would have  
19    this frustration. I mean, was there -- was anyone  
20    considering, when dealing with this frustration that  
21    they had, the devastation that was happening  
22    throughout the country from opioids?

23                 MS. KOSKI: Object to form.

24          Q.     That's a real question. Do you -- I'll  
25    rephrase it to correct the form objection.

1 I'm sorry to hear about the frustration from  
2 these businesses for filling out these  
3 questionnaires. Did anyone say to you, but let's  
4 consider the devastation that's happening and  
5 balance that against our frustration to decide  
6 whether we want to jettison the questionnaire from  
7 each store, was that ever discussed?

8 A. I don't recall that ever being asked of me.

9 Q. The -- okay.

10 Anyway, Patrick Cochrane, whoever he is,  
11 he's with you. He's sure he can come up with  
12 something. Right?

13 MS. KOSKI: Object to form.

14 Q. It's like Cochrane gets in, he is like,  
15 anything we can do to make it easier to sell this  
16 product.

17 That's basically what he's saying?

18 MS. KOSKI: Object to form.

19 Q. He's going to try to come up with a plan for  
20 you to get around the individual questionnaire for  
21 the chain stores?

22 MS. KOSKI: Object to form. Excuse me.

23 A. Yeah. I don't know that it was trying to  
24 get around. If you see my request, it's to try to  
25 get that -- satisfy the know your customer

1 requirement. Right? Is there a different way we  
2 can do it rather than sending an individual packet  
3 to an individual store. Operationally, it just  
4 wasn't feasible at that time.

5 Q. Well, it was feasible operationally to send  
6 individual packets of opioids every month, if not  
7 more frequently, to every single individual store,  
8 wasn't it? Wasn't it? You were able -- you just  
9 said, operationally it wasn't feasible to send a  
10 questionnaire to every store?

11 A. You were comparing that to something else.

12 Q. I'm asking you. You said operationally it  
13 wasn't feasible to send this questionnaire to every  
14 single store, that's what you said?

15 A. Yeah, for the corporate chain buyers we were  
16 working with.

17 Q. But it was operationally feasible for you to  
18 send product to them, opioid product to the  
19 individual stores?

20 A. Yes.

21 Q. By the way, the FDA, we looked at Exhibit 9  
22 earlier, the FDA was very clear on this issue. I'm  
23 sorry, withdrawn.

24 The DEA was very clear on this issue, wasn't  
25 it? I'm trying to find that --

1 MS. KOSKI: What exhibit are you looking at?

2 MR. PENNOCK: I think it was Exhibit 9. I  
3 got it.

4 Q. Sir, we looked at Exhibit 9 earlier, which  
5 was this presentation --

6 MS. KOSKI: I think 8 was the presentation.

7 Q. Oh, the presentation is number 8? We looked  
8 at Exhibit 8 earlier, sir, that was a presentation  
9 that Mike Cochrane had asked you to look at a few  
10 slides on and he was going to give it to the DEA,  
11 Exhibit 9 was the e-mail, a meeting with the DEA  
12 next week, keep that to yourself if you don't  
13 already know, right?

14 A. Yes.

15 Q. And he says I have a couple bullet points on  
16 Slide 4 and we looked at this presentation. This  
17 was from August of 2014. Now, if you look at -- I  
18 don't see page numbers on here. Slide 20. Right,  
19 Slide 20.

20 I underlined this earlier: Controlled  
21 substances compliance. Tell me if I'm reading this  
22 correctly: Each pharmacy must, underlined, this is  
23 from Mike Cochrane, your guy, must be treated as an  
24 individual regardless of group or chain affiliation.

25 Do you see that statement?

1 A. I do.

2 Q. That's what he was telling the DEA, right,  
3 in this PowerPoint?

4 A. In 2014, correct.

5 Q. In 2014. So you're suggesting that three  
6 years earlier, in 2011, you didn't -- you didn't  
7 have that viewpoint?

8 A. Yeah, I think --

9 MS. KOSKI: Object to form.

10 A. Between 2011 and 2014, by 2014, I believe,  
11 we were getting individual packets from every store.

12 Q. You told the FDA you were -- I'm sorry.  
13 You told the DEA that you did, that you  
14 were?

15 MS. KOSKI: Object to form.

16 Q. He told the DEA that you were treating each  
17 pharmacy as an individual regardless of group or  
18 chain affiliation, right?

19 A. Yes, and I believe that to be true in 2014.

20 Q. But the reason didn't suddenly emerge, the  
21 grounds didn't suddenly emerge for doing that  
22 between 2011 and 2014, did it?

23 A. There -- to me, I believe there was, you  
24 know, and I don't know if you wanted to call it an  
25 evolution, but consistently trying to move the bar

1 up and get more information throughout this whole  
2 process. Frankly, all the time that we've been  
3 talking about.

4 Q. Well, the need to look at each individual  
5 pharmacy, whether it's part of a chain or not, as an  
6 individual. Existed previously, it's just people at  
7 Anda, at least some of them, weren't paying  
8 attention to that need, right?

9 MS. KOSKI: Object to form.

10 A. I don't know that that's factually correct.

11 Q. Well, you weren't.

12 A. Well, the --

13 Q. You personally did not pay attention to that  
14 need because you're the one that said we should get  
15 rid of the questionnaire for the chain pharmacies.

16 A. That's not specifically what I said. I said  
17 is there another way to fulfill the need of know  
18 your customer --

19 Q. Right, by --

20 A. -- aside from a packet.

21 Q. Right. By a single representation regarding  
22 everyone from the corporate -- from corporate?

23 MS. KOSKI: Object to form, mischaracterizes  
24 the document.

25 A. And today I think that's a fair question to



1 have asked.

2 MS. KOSKI: When you're at -- I'm sorry. I  
3 didn't mean to interrupt you.

4 Q. There is just as much danger from one store  
5 and a group of thousands in a chain than there is  
6 from one independent pharmacy, isn't there?

7 A. Yeah, I agree with you. I don't know that I  
8 would have -- I don't know that I would have been as  
9 aware of that in 2011.

10 MR. PENNOCK: I'm sorry, counsel?

11 MS. KOSKI: I was just going to suggest when  
12 have you a good stopping point to take a break.

13 MR. PENNOCK: This is a good stopping point.

14 THE VIDEOGRAPHER: Off the record, 2:43 p.m.

15 (Recess from 2:43 until 3:00 p.m.)

16 THE VIDEOGRAPHER: On the record, 3:00 p.m.

17 BY MR. PENNOCK:

18 Q. Mr. Versosky, do you remember developing a  
19 process to flag stores in chains for potentially  
20 exceeding what would be expected of them for  
21 controlled substances sales, including opioids?

22 MS. KOSKI: Object to form.

23 A. Yes.

24 Q. You do remember that?

25 A. Yes.

1 Q. That's something that you -- you actually  
2 had a hand in developing, right?

3 A. Yes.

4 Q. And you developed this system, I think  
5 around the time you had -- you had Walgreens come to  
6 you to seek getting opioids from you, right?

7 A. Yeah, they were seeking to get controls from  
8 us, yes.

9 Q. And they were seeking to get controls from  
10 you because they had had an entire distribution  
11 center in Jupiter, Florida, shut down, right?

12 A. I believe it --

13 MS. KOSKI: Object to form.

14 A. Yeah. I believe it was their -- I thought  
15 it was their wholesaler had a distribution center  
16 shut down.

17 Q. There was a distribution -- there was one or  
18 two distribution centers shut down and they could no  
19 longer get opioids from those places, right?

20 A. Correct.

21 Q. And so they could however -- the problem  
22 apparently, was with the sent -- the distribution of  
23 the drugs, but they were still allowed -- their  
24 stores were still allowed to buy the drugs, they  
25 just needed to find somewhere else to buy them,

1 right?

2 A. Correct.

3 Q. So at that time, you had a hand in  
4 developing this system and I'd like to go over that  
5 quickly. I think this is it here.

6 MR. PENNOCK: Ben, yeah, this is it.

7 (Anda-Versosky Exhibit 21 was marked for  
8 identification.)

9 BY MR. PENNOCK:

10 Q. Mr. Versosky, you -- we've marked as  
11 Exhibit 21 to your deposition an e-mail thread. It  
12 begins with Bates number 0000725880 and the last  
13 document is 883.

14 Okay? You've had a chance to look at that?

15 A. Yes.

16 Q. And this is an e-mail from you to the  
17 president of the company, Albert Paonessa, right?

18 A. Yes.

19 Q. This is from November 2012, right?

20 A. Yes.

21 Q. And it's titled -- you were forwarding it,  
22 it's, Controlled Substances Query Questions, right?

23 A. Yes.

24 Q. You say: Hi, Al, here is the reporting that  
25 Chuck filled out in Cognos and the criteria

1 questions below. We can now utilize this program  
2 any time we get a file for a store or group of  
3 stores. Also, when looking at this in Cognos,  
4 Mike's team can drill down into the store data if  
5 they want to look at the individual from the summary  
6 sheet.

7 Have I read that correctly?

8 A. Yes.

9 Q. So you've -- earlier e-mail down here, you  
10 wrote to Jeffrey Daum: Hi, Jeff, here's an initial  
11 list of triggers based on our discussion with  
12 Robert.

13 Robert who?

14 A. Robert Brown.

15 Q. Compliance?

16 A. Yes.

17 Q. He may have more upon discussing with Mike  
18 and the team.

19 Mike Cochrane, right?

20 A. Yes.

21 Q. But this should give you something to get  
22 started on.

23 And these are -- so what you were all doing,  
24 including you, is you were saying let's put together  
25 a program to look at the dispensing data from the

1 individual stores of Walgreens or ultimately any  
2 chain, right?

3 A. Sure.

4 Q. And then if these -- if these data points  
5 popped out of the dispensing data from a store, they  
6 would be what you were going to call flags. Right?

7 A. Yes. We were effectively taking the kind of  
8 manual process from more -- the things that Mike and  
9 Robert were looking for on that team and trying to  
10 do it in a big data solution.

11 Q. Right. The things that they've been looking  
12 for the last many years?

13 A. Yes.

14 Q. So now you -- whose idea was it to put  
15 together this flag system?

16 A. I think it was mine, yeah.

17 Q. Okay. But now --

18 A. I mean --

19 Q. November 2012 --

20 A. Let me rephrase that. I think it was mine  
21 in trying to turn that into, kind of, a big data  
22 solution, taking big chunks of data and run it  
23 through that. The flags weren't mine. These were  
24 things they were already looking at.

25 Q. Got it. So they were looking at the flags

1 but they were doing it, sort of --

2           A.     One off --

3 Q. -- the 19th century way?

4           A.     -- one at a time.  Yes.

5 Q. Okay. And now you had suggested, well,  
6 let's try to apply a creative program to do this?

7           A.     And -- yes, and so that Jeff Daum was like  
8           a --

9 Q. Programmer?

10           A.    He was a programmer, a data programmer.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**[REDACTED]**

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**[REDACTED]**, [REDACTED] [REDACTED]

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[REDACTED] [REDACTED]

□ □ □

■        ■        [REDACTED]

■        [REDACTED]

■        ■        [REDACTED]

■        ■        [REDACTED]

■        [REDACTED]

■        ■        [REDACTED]

■        ■        [REDACTED]

■        ■        [REDACTED]

■        [REDACTED]

■        [REDACTED]

10            A.    Yes.

11            Q.    Okay. All right. So this ultimately was  
12            created, maybe with some more flags than your  
13            initial triggers, right?

14            A.    Yes.

15            Q.    And you applied that to Walgreens at that  
16            time, the Walgreens data that you were provided, I  
17            assume by Walgreens, right?

18            A.    Yes.

19            Q.    And -- okay. I'll mark this?

20                    (Anda-Versosky Exhibit 22 was marked for  
21            identification.)

22            BY MR. PENNOCK:

23            Q.    So Walgreens had, like, what, 8,000 stores,  
24            something like that?

25            A.    Yes.

1 Q. So you apply this to the data, your flags,  
2 your initial triggers, and it scored a lot of hits,  
3 didn't it?

4 A. Yes.

5 Q. So, if you look at -- I've just marked as  
6 Exhibit 22 to your deposition a document produced in  
7 native, a cover sheet 0000647317, and we see a  
8 report of these flags and if you turn to the second  
9 page, the overall total number of stores where you  
10 looked at the data was 7,984. Right?

11 A. Yes.

12 Q. And 3,768 of them popped at least one flag,  
13 right?

14 A. Yes.

15 Q. And I'm sorry for zooming this in and out on  
16 people. Just --

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

23 A. Yes.

24 Q. And if we go back a page, and this is all  
25 laid out by states, true?





1 MR. PENNOCK: Could you mark this, please.

2 (Anda-Versosky Exhibit 23 was marked for  
3 identification.)

4 BY MR. PENNOCK:

5 Q. So I've marked as Exhibit 23 to your  
6 deposition, sir, a document produced in native  
7 bearing Bates -- the cover sheet is Bates number  
8 0000725057?

9 MS. KOSKI: Counsel, is this a complete or  
10 did you do an excerpt from a bigger spreadsheet,  
11 do you know? It looks like the top line looks  
12 like 5683.

13 MR. PENNOCK: Yes, this is excerpted from  
14 that native production.

15 MR. KING: This is only Ohio's --

16 MR. PENNOCK: Say that again.

17 MR. KING: This is only Ohio.

18 MR. PENNOCK: You're right, Katy, this is  
19 excerpted from the entire state, individual store  
20 data, or the entire list of individual store  
21 data.

22 MS. KOSKI: We can talk offline I just want  
23 to know how you sorted it. I'll just have a few  
24 more questions.

25 BY MR. PENNOCK:

1 Q. Mr. Versosky, you may have picked up on what  
2 we're saying. This is -- Exhibit 23 is a -- is an  
3 excerpt from all of the individual store data and  
4 it's Ohio. Okay?

5 MS. KOSKI: He only has one. Okay.

6 MR. PENNOCK: It's two pieces because it's  
7 an Excel spreadsheet.

8 Q. Okay? Are you following me?

9 MS. KOSKI: I just don't think that the  
10 witness has both pieces.

11 MR. PENNOCK: Oh, okay.

12 MS. KOSKI: I have -- he has the one with  
13 the color but not the --

14 MR. PENNOCK: Okay. That was my fault.

15 Q. Okay. So it goes across -- so as you can  
16 see, the spreadsheet goes -- I'll put this on the  
17 screen, and that's going to be kind of hard to do  
18 but everyone gets the idea. The spreadsheet goes  
19 across.

20 But over here, this column, the one that has  
21 the color, right, do you see that?

22 A. Yes.

23 Q. And we can see these are all Ohio stores,  
24 right?

25 A. Yes.

1 Q. And this is from the same analysis that we  
2 just looked at, and Anda's -- let me --

3 MS. KOSKI: Yeah, sorry.

4 Q. The Anda document that I have printed out  
5 here, it had the color highlighting in here. Okay?

6 A. Okay.

7 Q. Got it? And as you might surmise, the red  
8 represents a more -- a more significant number of  
9 flags, orange, less so, yellow less so, and the ones  
10 without any color had no flags. Okay?

11 A. Okay.

12 MS. KOSKI: Object to form; lack of  
13 foundation.

14 MR. PENNOCK: Okay. Well, that's fair.  
15 We'll hopefully get a stip on that later. I can  
16 do it if you want me to.

17 MS. KOSKI: You can just ask him if he  
18 understands that rather than --

19 Q. Yeah. Do you recognize why some of these  
20 columns were colored the way they are by Anda?

21 A. I don't recall specifically but your  
22 explanation isn't unreasonable. It seems like that  
23 would make sense.

24 Q. Okay. So in any event, we can see as we go  
25 through this Exhibit Number 23 --

1 THE COURT REPORTER: It's 23. It's 23.

2 Q. Okay. These are all of the Walgreens stores  
3 in Ohio popping flags under the system that Anda  
4 developed to evaluate and help Walgreens evaluate  
5 their stores, right?

6 A. Yes.

7 Q. And this data that you had from Walgreens,  
8 do you know what time period this was from?

9 A. No, I don't, but it would have needed to be  
10 recent, you know, to this analysis.

11 Q. Right. It says here, the year says 2013.

12 A. Yeah.

13 Q. So that would mean that it was some slice of  
14 data from the year 2013, right?

15 A. Yes.

16 Q. And it says month number 1, so does that  
17 suggest to you it was January 2013?

18 A. Yeah, I would assume so, or it means that we  
19 had one month of data, either -- either one of those  
20 is --

21 Q. One or the other?

22 A. Yeah.

23 Q. Okay. So after getting this data with  
24 respect to Walgreens, do you know if Anda decided  
25 not to sell controlled substances, including

1       opioids, to any of these stores, based on this data?

2           A.     I don't know if based on this data

3       specifically. Right? So the -- you know, the flag

4       system is, you know, again, it was both a

5       quantitative and a qualitative system. Tripping a

6       flag didn't necessarily mean that it was a, you

7       know, quote unquote, bad store. It meant that there

8       was additional information required. I would

9       assume, yes, there were some stores we didn't sell,

10      ultimately.

11       Q.     Let me mark this, this is another slice of

12      the same data.

13           MS. KOSKI: Separate number.

14           MR. PENNOCK: The only problem is they're

15      not -- your second piece is right there -- okay.

16      So that is part of the same exhibit.

17           (Discussion off the record.)

18           (Anda-Versosky Exhibit 24A was marked for

19      identification.)

20           MS. KOSKI: I don't know if it makes your

21      life easier, I'm marking this 24A and B so that I

22      know what we are talking about.

23           MR. PENNOCK: That is probably a good idea.

24           (Anda-Versosky Exhibit 24B was marked for

25      identification.)

1 BY MR. PENNOCK:

2 Q. Okay. Sir, 24A and B is the Ohio data we  
3 were just looking at from Anda on the Walgreens  
4 stores, and here on this document I have highlighted  
5 the Summit County stores in green and the Cuyahoga  
6 County stores in blue.

7 MR. PENNOCK: This doesn't help too much but  
8 I'll read it.

9 Q. So, for example, if we come down to this  
10 Walgreens store at 6900 Rockside Road in  
11 Independence, Ohio, I want to make sure I understand  
12 it. That popped a -- that popped a flag that caused  
13 it to be colored red by Anda, which meant three or  
14 more flags, right? It had three or more flags?

15 A. I -- I don't know that. If you're telling  
16 me that's what translated from the file to the  
17 colors, sure.

18 Q. Let's look at column U?

19 A. Yeah.

20 Q. How many flags does that have?

21 A. It has three.

22 Q. And then if we go down to -- I want to find  
23 one for -- so if we look at the first green, which  
24 is Summit County, that's at 1925 West Market Street,  
25 Akron, Ohio, store number 3276, and that also popped

1 three or more flags, right?

2 A. Yes.

3 Q. How many did that pop?

4 A. It says three.

5 Q. Okay. And if we look at this exhibit, we  
6 can -- we can pick a store and go across and see how  
7 many flags it popped, right?

8 A. Yes.

9 Q. So after getting this big data, as you  
10 referred to it, did Anda then send out  
11 questionnaires to all of these stores?

12 A. I don't know that we did questionnaires to  
13 all the stores, but I believe there were additional  
14 questions sent to individual stores.

15 Q. Based on what?

16 A. Based upon a particular flag that may have  
17 tripped.

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

21 them?

22 A. I believe there were additional questions  
23 that would have been asked based on that. I don't  
24 know if it was in the form of a, you know, full  
25 questionnaire or not, but yes, there was additional



1 information requested.

2 Q. Okay. Subsequently, however, you --

3 Walgreens -- well, I'll withdraw that.

4 Let's turn to a different -- different

5 analysis. Are you familiar with Rite Aid?

6 A. Yes.

7 (Anda-Versosky Exhibit 25 was marked for

8 identification.)

9 MR. PENNOCK: Can he look at that document?

10 MS. KOSKI: Oh, yeah, sorry. Go ahead.

11 BY MR. PENNOCK:

12 Q. While you're looking at that sir, marked as

13 Exhibit 25 to your deposition a document bearing

14 0000728018.

15 If you look at -- if you look at page 1 of

16 this document, the Rite Aid was the largest

17 purchaser of controlled substances from Anda in

18 2011, right?

19 A. Yes.

20 Q. And the total -- because the -- the subject

21 of this -- of this printout is controlled substance

22 sales. Right?

23 A. Yes.

24 Q. And this e-mail is from you and it's from

25 January 13th, 2012, right?

1           A.     Yes.

2 Q. And you say: Here's the annual CII sales  
3 for all customer types, right?

4            A.    Right.

[illegible]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11           A.    I think in one of your previous documents  
12           there is a sales chart, but it was -- it was a large  
13           piece of business for sure.

14           Q.    And it was only for controlled substances?

15           A.    Correct.

16           Q.    And all of these numbers on Exhibit 25 are  
17           your -- your controlled substances sales?

18           A.    Correct.

19           Q.    To every -- to every customer that you had  
20           or every customer that was a national chain?

21           A.    So the -- when they say customer type,  
22           customer type was a field type. If you -- if you  
23           see a name next to somebody that you semi recognize,  
24           that's probably a chain. The independent pharmacies  
25           were like where you see DVD and IPA and DVD, those

1     were kind of independent pharmacy or general  
2     telesales stuff.

3 Q. So these were like maybe groups of  
4 independent pharmacies?

5           A.    Or internal programs, so, like, DVD was a  
6   pricing program, or something like that.

7 Q. What does that mean?

8           A.     What do you mean?

9           Q.    What is an internal pricing program, what  
10   does that mean?

11           A.     Well, we had them on a regular, you know,  
12     whatever the standard deal we were offering out to  
13     customers.  So there was --

14 Q. So these could be -- some of these could  
15 represent lots of stores?

16           A.    Yes.  Yes.  So like you see, there is DVD1  
17           and 2 and 3 up above.  I don't know specifically  
18           what those were for.  That was the independent  
19           pharmacy side of the business.

\_\_\_\_\_

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■ [REDACTED]

2 A. No, the stores would have been unique.

3 Q. So it would have been unique?

4 A. Yeah.

5 Q. So, in any event, from this document we get  
6 a snapshot in an e-mail from you in January of 2012  
7 of total controlled substances sales, right?

8 A. Yes.

9 Q. And what percentage of, let's say, the Rite  
10 Aid numbers -- well, we'll just go with the total.  
11 What percentage of the total do you think were  
12 opioids?

13 A. I don't know the answer to it.

14 Q. Are you able to give an estimate?

15 A. Again, I -- no. I don't recall specifically  
16 which products were on their formulary, but it was a  
17 limited -- it was a limited formulary, they were  
18 buying a few different items through us.

19 Q. Oh. Do you remember what the limited number  
20 of items they were buying from you?

21 A. I don't. I don't. But it's probably  
22 something --

23 Q. Some of them were opioids?

24 A. -- you could pull up really easily.

25 Q. Okay. So then you -- you then decided to

1 run the flag system on the -- on the controlled  
2 substances sales to Rite Aid just as you had done  
3 for Walgreens. Do you remember that?

4 A. Yeah, I believe we did that.

5 Q. Let's take a look at that for now.

6 (Anda-Versosky Exhibit 26 was marked for  
7 identification.)

8 BY MR. PENNOCK:

9 Q. We've marked as Exhibit 26 to Mr. Versosky's  
10 deposition, an e-mail, one page, bearing 000090003.

11 Okay. So here you were -- you're getting an  
12 e-mail from Jeffery Daum. He was sort of the IT  
13 guy, is that right?

14 A. Yes.

15 Q. He says: Bill -- referring to you, right?

16 A. Yes.

17 Q. Attached is the report for Rite Aid based on  
18 the data we received last year.

19 Right?

20 A. Yes.

21 Q. I applied the same logic we did for  
22 Walgreens. Meaning the same flag system you had  
23 developed for Walgreens, right?

24 A. Yes.

25 Q. And you past this on to Mike Cochrane?

1 A. Yes.

2 Q. Okay. With respect to the Walgreens data --

3 I'm sorry, withdrawn.

4 With respect to the Rite Aid data, let's

5 look at that.

6 MR. PENNOCK: Another exhibit, please.

7 (Anda-Versosky Exhibit 27 was marked for

8 identification.)

9 BY MR. PENNOCK:

10 Q. Exhibit 27 is a document produced in native

11 format bearing Bates number 0000090004. That's the

12 cover sheet. This will be Exhibit 27.

13 The Walgreens data -- I apologize. The Rite

14 Aid data, sir, again we have the flags, and

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

23 A. I believe so.

24 Q. And if we look at -- I've highlighted on

25 here Ohio, for Rite Aid there were 220 stores in



1 Ohio, 172 of them were flagged, right?

2 A. Yes.

3 Q. And 91 of those that were flagged, they had  
4 oxy in the top three. Do you see that?

5 A. Yes.

6 Q. So when you got this data with 172 of 220  
7 Ohio stores flagged, did you know if anyone at Anda  
8 decided, well, we should not proceed to sell to Rite  
9 Aid to some of these stores until we figure this  
10 out?

11 MS. KOSKI: Object to form.

12 MR. PENNOCK: Okay. Let me rephrase.

13 Q. I want to make sure I understand this. You  
14 ran this program on Rite Aid, correct?

15 A. Yes.

16 Q. And you had been -- this data was being run  
17 in 2013, right?

18 A. Yeah.

19 Q. And it's being run on data from last year?

20 A. Yes.

21 Q. From the prior year. So you'd already been  
22 selling to Rite Aid, of course, right?

23 A. It's true but I don't know if we were still  
24 selling to Rite Aid when we ran this, in total  
25 transparency, this data is from 2011, we're running

1       this in 2013. Again, I'm sorry, my memory is a  
2       little foggy but I think we were prospectively  
3       trying to do something different with Rite Aid here  
4       on a larger level. That's why we ran the data at a  
5       larger level, that I don't know if that moved  
6       forward, if that makes sense.

7           Q.    Okay. Let's see if we can sort that out.

8           A.    Yeah.

9           Q.    So Exhibit 25 tells us this is from January  
10       2012, Exhibit 25 and that's where we looked at these  
11       numbers for the sales that did happen in 2011 from  
12       Anda to Rite Aid and that's where we went through  
13       the different quarters, right?

14          A.    Yeah, in 2011 --

15          Q.    In 2011, you sold, we said approximately

16       [REDACTED]  
17       Rite Aid?

18          A.    Yeah, but those were for specific items. If  
19       they decided to buy that specific item somewhere  
20       else, that can go away overnight.

21          Q.    Understood. But just so we remember, you  
22       were selling to them throughout -- withdrawn.

23                Just so we all remember, in 2011 this was  
24       the level of sales to Rite Aid by Anda?

25          A.    Absolutely.

1 Q. Of controlled substances?

2 A. Yes.

3 Q. Including opioids?

4 A. Potentially. Again, we talked about this  
5 before, I don't know what the specific products  
6 were, but you can look that up.

7 Q. I could look it up but I just want to see if  
8 maybe you can remember back in -- it wasn't that

■ ■■■■■ ■■■■■ percent of your overall  
10 sales for the whole company were to one customer and  
11 it reflected just what you sold in controlled  
12 substances to that one customer, right?

13 A. Yeah, let me think about this. I believe --  
14 I believe Adderall was in there. I -- I don't know.  
15 I'm sorry. I don't know.

16 Q. So you don't know if any opioids were  
17 reflected in that number?

18 A. Yeah, and I'm not trying to be dodgy, it's  
19 very possible that there were, but there were a very  
20 limited number of items based on their ability to  
21 negotiate a contract that was advantageous to them  
22 as opposed to taking it through a wholesaler.

23 Q. Okay. In any event, we know you made sales  
24 to Rite Aid in 2011 at least?

25 A. Yeah.

1 Q. And now we're looking at, again, trying to  
2 help everyone stay where we are, I apologize for  
3 getting lost, we're in February of 2013, you're

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

10 A. Yes.

11 Q. Okay. So did you act upon this information,  
12 did Anda act upon this information in terms of  
13 stopping the sale of any opioids or any controlled  
14 substances to any Rite Aid stores?

15 MS. KOSKI: Object to form.

16 Q. Go ahead?

17 MS. KOSKI: There is just more than one  
18 question.

19 Q. Did Anda act upon this information in terms  
20 of stopping the sale of any controlled substances to  
21 any Rite Aid stores?

22 A. I don't believe any Rite Aid stores were  
23 necessarily cut off as a result of this, but I also  
24 don't remember that we were selling controls to Rite  
25 Aid at this time. So to begin selling controls to

1 Rite Aid, we would have had to go through a process.

2 That's -- that's my recollection.

3 MS. KOSKI: Is this another A and B, or are  
4 these separate? Are we doing this as an A and B  
5 or are these two separate?

6 MR. PENNOCK: There's just one. There  
7 should only be one.

8 MS. KOSKI: Oh, I just got two copies of the  
9 same thing. Sorry. Yeah. Okay.

10 (Anda-Versosky Exhibit 28 was marked for  
11 identification.)

12 BY MR. PENNOCK:

13 Q. We've marked as Exhibit 28 a document  
14 bearing Bates numbers 0000085420. That's the cover  
15 sheet. It was produced in native format.

16 MR. PENNOCK: This is the e-mail, right?  
17 Let me mark this, too, because this is the  
18 corresponding e-mail.

19 (Anda-Versosky Exhibit 29 was marked for  
20 identification.)

21 MS. KOSKI: Go ahead, yeah.

22 THE WITNESS: Sorry.

23 A. I'm ready.

24 Q. Okay. So we first marked Exhibit 28, this  
25 is a PowerPoint that you had prepared, right?

1 A. Yes.

2 Q. And the Exhibit 29 is the e-mail  
3 disseminating that PowerPoint internally and this is  
4 in April of 2013, and you sent it to Robert Brown,  
5 who was in compliance, right?

6 A. Yes.

7 Q. And you said: Hi, Robert, could you please  
8 review the attached presentation which is intended  
9 for Rite Aid and let me know if you have any  
10 concerns about the statements or information  
11 provided.

12 Right?

13 A. Yes.

14 Q. Subsequently, and you were not on this  
15 e-mail, there was some concerns raised to the  
16 president of the company about whether you should be  
17 doing this PowerPoint, apparently. Do you see that?

18 A. It wasn't -- yeah, yeah. It's funny, this  
19 -- this PowerPoint, this never -- I don't know that  
20 this ever got sent to anyone externally. This was  
21 something that I authored, I thought it was a good  
22 idea, you know.

23 Q. Yeah.

24 A. I think the organization didn't. So this  
25 was theoretically taking that big data solution and

1       could we do this as a service to help our customers  
2       to look at their data in the way that we're looking  
3       at their data.

4           Q.     Right?

5           A.     Because at the chain level at that point,  
6       the chains and their regulatory folks were able to  
7       see kind of, you know, their information, whereas  
8       Mike and our team were able to see sort of the --  
9       more of the market's information. Potentially  
10      better informed, another set of eyes, I thought it  
11      could be a good service. It didn't really become a  
12      service.

13          Q.     Okay. So Mike Cochrane's suggestion to the  
14      president of the company apparently, the president  
15      went with that and you never gave this presentation  
16      to --

17          A.     Yeah, I don't believe it ever went anywhere.  
18      We may have discussed the concept with people, but I  
19      don't think the formal presentation or anything ever  
20      went anywhere and we definitely never got any kind  
21      of customers on board with it.

22          Q.     With the flag system that you had developed?

23          A.     With, like a formal, you know, named  
24      program. The -- so the flag system, as you  
25      mentioned --

1 Q. Was part of the named program?

2 A. Walgreens saw that. This was after that.

3 This was taking that, you know, kind of data  
4 solution that we created and trying to turn it into  
5 something that we could offer out to others,  
6 potentially.

7 Q. So you did it for Walgreens, you showed it  
8 to Walgreens, so that they could use it, whether  
9 they did or didn't, we don't know?

10 A. We shared it as part of our discussion with  
11 them related to were we going to sell product to  
12 them.

13 Q. And you called -- then you said well, let's  
14 develop that into a program --

15 A. Yeah.

16 Q. -- to assist the chains?

17 A. Yes.

18 Q. And you were going to call that the  
19 Compliance Assisted Program, right?

20 A. Yes.

21 Q. CAP. Maybe they didn't like the word CAP,  
22 huh?

23 A. Maybe.

24 Q. Maybe. So in any event, put -- this CAP  
25 program does not materialize as something being



1     offered to other customers, as I understand it,  
2     correct?

3           A.     Correct.   Yeah.

4           Q.     Now, does this PowerPoint refresh your  
5     recollection as to whether you were selling to  
6     Walgreens at that time?

7           A.     To Rite Aid.

8 Q. I'm sorry. To Rite Aid at that time?

9           A.     It does not, and I see at the end there is a  
10     chart related to Rite Aid, so this would have been a  
11     draft kind of for presentation to Rite Aid. I don't  
12     know that they ever got this or saw this chart.

The diagram consists of 10 horizontal black bars of varying lengths and positions, stacked vertically. The bars are as follows:

- Bar 1: A short bar on the left.
- Bar 2: A long bar spanning most of the width.
- Bar 3: A long bar, slightly shorter than Bar 2.
- Bar 4: A bar starting from the left and ending about two-thirds of the way across.
- Bar 5: A long bar spanning most of the width.
- Bar 6: A short bar in the middle.
- Bar 7: A short bar on the left.
- Bar 8: A long bar spanning most of the width.
- Bar 9: A short bar on the left.
- Bar 10: A long bar spanning most of the width.

22           A.    Yeah, and I'm not sure that we ever sent  
23    them that data or sent them this presentation.

24 Q. Do you know why your superiors decided not  
25 to use this flag analysis?

1 MS. KOSKI: Object to form.

2 Q. I'll withdraw that.

3 You told me that they didn't go along with  
4 this CAP program that you had thought up might be  
5 helpful, right?

6 A. Yes.

7 Q. And you thought it might be helpful because  
8 your customers might look at it as the two of you  
9 working better together regarding controlled  
10 substances, right?

11 A. Yes.

12 Q. And you were trying to improve the working  
13 together relationship on controlled substances that  
14 had existed to date, right?

15 A. Yes.

16 Q. But your -- the president of the company  
17 apparently turned it down, we established that,  
18 right?

19 A. I don't know that it was him specifically  
20 that turned it down, but, yes, it never went  
21 anywhere.

22 Q. And do you know why it never went anywhere?

23 A. I don't recall specifically. Right? The --  
24 I think there was some development involved. We  
25 were trying to, I think, put it in as part of the

1 CSOS enterprise application, but I don't recall  
2 specifically.

3 Q. Okay. Do you -- do you remember having  
4 symposiums from year to year?

5 A. Yes.

6 Q. And these were events where you invited both  
7 manufacturers and customers to, right?

8 A. Yes.

9 Q. What were -- what was the purpose of  
10 those -- of these symposiums?

11 A. So -- I mean the purpose of everything we  
12 did was to grow sales. So these were  
13 specifically -- as a distributor, right, we had  
14 customers that were both manufacturers and  
15 retailers. We treated the customer -- the --  
16 treated the manufacturers as customers as well, but  
17 a good chunk of our customer base, our retailer  
18 customer base didn't really have strong  
19 relationships with generic manufacturers, so we  
20 created this thing to kind of bring them together,  
21 help our smaller customers build relationships with  
22 manufacturers hoping that it would lead to  
23 opportunities for us, for them to connect together  
24 through us.

25 Q. So they would meet -- they would come to

1       this symposium?

2           A.     It was like a trade show.

3           Q.     There would be golf, like a convention, at a  
4     lot of places?

5           A.     Yes.

6           Q.     You had maybe some golf involved, right?

7           A.     Yes.

8           Q.     You had a motivational speaker, I think one  
9     of them you had Joe Montana?

10          A.     Right.

11          Q.     And you had Dr. J at one?

12          A.     Yes.

13          Q.     Jack Nicklaus showed up to one.

14          A.     Yes.

15          Q.     You had one around Scottsdale, Arizona?

16          A.     Yes.

17          Q.     What would -- by the retail customer meeting  
18     with the manufacturer, how would that benefit Anda?

19          A.     Yeah. So the -- I mentioned -- an indirect  
20     contract. The customers, depending on how they were  
21     organized from a buying structure, if they had their  
22     own warehouse, if they didn't -- depending on that,  
23     they could utilize us in different ways. Right? So  
24     if they didn't have their own warehouse, their  
25     ability to buy outside of their primary wholesaler

1       was limited. We would try to get them to load an  
2       indirect contract through us, we would ship them,  
3       they would buy the rest of their products from the  
4       primary wholesaler.

5               If they had a warehouse, they may not be  
6       warehousing CIIs, they may not be warehousing -- I  
7       don't know, special items or some other type of, you  
8       know, niche item. So it was basically we would  
9       provide a distribution service that connected that  
10      manufacturer to that store.

11       Q.    I see. So they would meet the manufacturer  
12      at the symposium, presumably, the convention,  
13      whatever, trade show, and by meeting the  
14      manufacturer, they might decide, well, you know  
15      what, I want to buy from that manufacturer now.

16       A.    Correct. That was our hope.

17       Q.    So -- and it would be a generic, so they  
18      could be buying that product from any number of  
19      manufacturers but because they made a personal  
20      connection, they are like, you know what, I'm going  
21      to give that guy the business. Is that sort of it?

22       A.    It is a very relationship heavy business,  
23      yes.

24       Q.    Okay. I see. And were there -- the seventh  
25      annual chains -- let me just mark this and show you

1       this.

2           A.     Sure.

3                   (Anda-Versosky Exhibit 30 was marked for  
4     identification.)

5     BY MR. PENNOCK:

6           Q.     I printed out the entire thing off the web,  
7     but your quote, I think, is on page 3.  It starts at  
8     page 2.  It says -- and this is Exhibit Number 30.

9                   So Anda facilitates relationship building,  
10    this is exactly what you were just telling me?

11          A.     Right.

12          Q.     April 28, 2014, this is an example, you had  
13    Joe Montana in there, right?

14          A.     Yeah.

15          Q.     Okay.  So I don't know who wrote this, but  
16    it's from the web, this is -- here's the -- from  
17    Drugstore News, right?  Okay.  More than 350  
18    executives who participated in Anda's seventh annual  
19    supply chain symposium Thursday and Friday here,  
20    including a record 25 retail representatives, were  
21    treated to a keynote address from sports legend  
22    Dr. J and four-time Super Bowl Champion Joe Montana,  
23    right?

24          A.     Yes.

25          Q.     And then you had a quote in here:  Yeah, the

1 key to this event, what really does make it unique,  
2 is the casual atmosphere, said Bill Versosky, VP  
3 sales and marketing for Anda.

4 Do you see that?

5 A. Yes.

6 Q. Quote: We look at both the manufacturers  
7 and the retailers as our customers.

8 Do you see that?

9 A. Yes.

10 Q. That's exactly what you were saying?

11 A. Yes.

12 Q. Okay. So this event is where we bring all  
13 of our customers together and enable conversations  
14 between them to help grow their businesses. End  
15 quote.

16 So I think your prior comments already  
17 established what I was asking about, is that's what  
18 it was all about?

19 A. Yes. Yes.

20 Q. And their -- were they successful?

21 MS. KOSKI: Object to form.

22 A. You know, it's funny. So this event we  
23 always held, and I believe Anda still to this day  
24 holds it sort of piggyback to one of the NACDS  
25 shows. You asked about NACDS before, so this is

1       like the day before, two days before.

2           Q.     Got it?

3           A.     Traditionally coming out of those shows we  
4       would leave with new opportunities either with a  
5       manufacturer or with a customer, so we thought they  
6       were generally successful.

7           Q.     That's why you keep having them?

8           A.     Yes, why they keep having them.

9           Q.     They are not inexpensive propositions, they  
10       are not inexpensive propositions?

11          A.     They were inexpensive for us because the  
12       manufacturers supported them.

13          Q.     Oh, they helped pay for them?

14          A.     Yes.

15          Q.     I see. That makes sense. Because the  
16       manufacturer is trying to get new retailers --

17          A.     Yes.

18          Q.     -- to connect with as well?

19          A.     Yeah, most customers have some type of trade  
20       show of their own that manufacturers pay to attend.  
21       We created this and kind of piggybacked on that but  
22       brought in other customers.

23          Q.     Did they -- how would you invite people?

24       How did you decide to invite people? Like, I mean,  
25       would you -- or did they just know about it?



1           A.    No.  No.  We would -- I would go through a  
2   list, I would speak with my national account  
3   managers, who did they want us to invite.  We would  
4   look at who are our current customers, are there any  
5   prospective customers that might want to come.

6           Q.    Then you just mail out an invitation?

7           A.    I think I e-mailed them, I think I e-mailed  
8   them personally, but we invited a lot of people.  
9   Only -- 25 people came.  I might have invited 100,  
10   you know.

11          Q.    Got it.  Do you -- do you know where I can  
12   find one of those invitations?

13          A.    I would think in my sent e-mail.

14          Q.    Okay.

15               MR. PENNOCK:  Okay.  Let's take a short  
16   break.  All right?

17               MS. KOSKI:  Uh-huh.

18               THE VIDEOGRAPHER:  Off the record, 4:03 p.m.

19               (Recess from 4:03 p.m. until  4:17 p.m.)

20               THE VIDEOGRAPHER:  On the record, 4:17 p.m.

21   BY MR. PENNOCK:

22          Q.    Mr. Versosky, you -- Anda -- is Anda located  
23   in Broward County?

24          A.    Yes.

25          Q.    And you also have lived in Broward County,

1 right?

2 A. Yes.

3 Q. And you did back in the time you were  
4 working for Anda?

5 A. Yes.

6 Q. Did you ever hear of a Broward County grand  
7 jury report that was issued in November 2009, it  
8 would have been public -- potentially public --  
9 well, it was public information. Did you ever hear  
10 about it back then, on opioids?

11 A. I don't remember specifically hearing of  
12 anything like that, no.

13 MR. PENNOCK: Do you have another copy of  
14 this?

15 (Anda-Versosky Exhibit 31 was marked for  
16 identification.)

17 BY MR. PENNOCK:

18 Q. Sir, I've marked as Exhibit 31 a copy of an  
19 interim report from the Broward County grand jury  
20 titled: The Proliferation of Pain Clinics in South  
21 Florida. It's dated November 19th, 2009.

22 Do you see that?

23 A. I do.

24 Q. Have you ever been provided this document  
25 before by anyone?

1           A.    I don't recall ever seeing it, no.

2           Q.    Do you recall anyone at Anda talking about  
3           the issuance of this report by the Broward County  
4           grand jury? And I ask just because, I mean, it's  
5           the County in which the company was located, so --

6           A.    Yeah, and -- I -- I don't recall that.  
7           Right? I do -- I do know there was discussion  
8           related to, you know, legislative actions against  
9           pharmacies over time and things like that, but I  
10          don't recall this one specifically.

11          Q.    So do you -- did you ever hear it being  
12          reported back in late 2009 that there was a finding  
13          that in 2007 there were four pain clinics operating  
14          in Broward County but in -- by the end of 2009 there  
15          were 115 pain clinics operating in Broward County.

16                MS. KOSKI: Object to form.

17          Q.    Do you remember hearing that report?

18          A.    I don't know that I remember hearing that  
19          reporting. I do remember there was a general  
20          culture of concern around, you know, pain  
21          management, like that, anybody speaking related to  
22          pain management was sort of a concern for a  
23          customer.

24          Q.    What do you mean by that?

25          A.    Mike could have been very interested in

1     hearing if anybody was, you know, quote, unquote, a  
2     pain clinic or anything like that.

3           Q.     Because they might be -- they might not be  
4     appropriately prescribing opioids?

5           A.     Correct.

6           Q.     Living and working in Broward County during  
7     those years, did you observe any or make any  
8     observations regarding the proliferation of pain  
9     clinics in Broward County?

10          A.     Not really.

11                 MR. PENNOCK:   Sorry.

12                 MS. KOSKI:   Object to form.

13          Q.     Back at that time, by that I mean late 2009,  
14     do you remember -- do you ever remember any  
15     discussion within Anda that there had been a finding  
16     that the top 25 dispensing doctors of oxycodone in  
17     the nation were located in the state of Florida,  
18     with 22 of the top 25 dispensing doctors of  
19     oxycodone in South Florida, did you ever hear  
20     anything like that?

21                 MS. KOSKI:   Object to form.

22          A.     I don't remember specific points of data,  
23     but again, being, as you mentioned, being in  
24     Florida, we sort of always knew we were ground zero  
25     for every, you know -- it seems like every epidemic

1 started in Florida, so we were always looking at  
2 Florida.

3 Q. What do you mean by every epidemic?

4 A. Anything that -- I mean that's a joke on  
5 Saturday Night Live. Everything that can go bad  
6 across the country related to everything starts in  
7 Florida. From the example that you gave, it's not  
8 unreasonable we would have -- we would have talked  
9 about that specific to Florida. It wouldn't have  
10 been a surprise to us that Florida was, you know,  
11 top in prescribing docs or anything like that.  
12 Florida is an interesting market.

13 Q. At any point before you left Anda, did you  
14 personally develop a heightened concern that Anda,  
15 together with its customers, both manufacturers and  
16 retailers, had at least in part contributed to the  
17 opioid crisis in a way that they may have avoided?

18 A. You know, I would say it's a difficult  
19 question. You know, over -- over time, I feel like  
20 at Anda everybody was very much trying to do the  
21 right thing, right? And your question related to  
22 looking back. You know, looking backwards, there  
23 was a learning process that happened at Anda, I  
24 think that happened at customers, at, you know,  
25 competitors. At all times, I think, in relation to

1       that learning process, we were trying to, you know,  
2       push to be more stringent on any requirement that  
3       was out there. That was my belief. I felt that we  
4       were -- we were trying to be good stewards of the  
5       business.

6               MR. PENNOCK: Can I see --

7       Q. May I see that stack of exhibits, sir?

8       A. Yes.

9               MR. PENNOCK: There seems to be one missing.

10       I'm looking for the CAP.

11       A. It would have been high up in that stack.

12       Q. Oh, I see. It's going the other way.

13       A. That's probably it.

14               MS. KOSKI: 28?

15       Q. There's 28. Well, when you prepared the CAP  
16       PowerPoint, may I see that please?

17       A. Yes.

18       Q. Exhibit 28, this concept that you developed  
19       back in 2013, right?

20       A. I believe so, yes.

21       Q. And it was -- and you presented it and we  
22       looked at those e-mails a few minutes ago to use  
23       your red flag big data process, right?

24       A. Yes.

25       Q. When you developed that, that was developed

1 in part to try and be a good steward with respect to  
2 the distribution of these opioid medications, true?

3 A. Yes.

4 Q. And you sent that upstream, up the ladder,  
5 and never adopted and you don't even know why,  
6 right?

7 A. Look, I don't remember why. I -- yes.

8 MR. PENNOCK: Thank you. I have no further  
9 questions.

10 MS. KOSKI: I have none.

11 Does anyone on the phone have any questions  
12 for the witness?

13 (No response.)

14 MS. KOSKI: Silence is noted.

15 THE VIDEOGRAPHER: Off the record, 4:27 p.m.

16 (Whereupon, the deposition concluded at  
17 4:27 p.m.)

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25

1 C E R T I F I C A T E

2 I, SUSAN D. WASILEWSKI, Registered  
3 Professional Reporter, Certified Realtime Reporter  
4 and Certified Realtime Captioner, do hereby certify  
5 that, pursuant to notice, the deposition of WILLIAM  
6 VERSOSKY was duly taken on Friday, December 7, 2018,  
7 at 9:25 a.m. before me.

8 The said WILLIAM VERSOSKY was duly sworn by  
9 me according to law to tell the truth, the whole  
10 truth and nothing but the truth and thereupon did  
11 testify as set forth in the above transcript of  
12 testimony. The testimony was taken down  
13 stenographically by me. I do further certify that  
14 the above deposition is full, complete, and a true  
15 record of all the testimony given by the said  
16 witness, and that a review of the transcript was  
17 requested.

18

19

20 Susan D. Wasilewski, RPR, CRR, CCP

21 (The foregoing certification of this transcript does  
22 not apply to any reproduction of the same by any  
23 means, unless under the direct control and/or  
24 supervision of the certifying reporter.)

25



INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. It will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1 - - - - -  
2 E R R A T A  
3 - - - - -

4	PAGE	LINE	CHANGE
5	_____	_____	_____
6	REASON:	_____	_____
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8	REASON:	_____	_____
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22	REASON:	_____	_____
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24	REASON:	_____	_____
25			

ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby  
acknowledge that I have read the foregoing pages, 1  
through 243, and that the same is a correct  
transcription of the answers given by me to the  
questions therein propounded, except for the  
corrections or changes in form or substance, if any,  
noted in the attached Errata Sheet.

\_\_\_\_\_  
WILLIAM VERSOSKY

\_\_\_\_\_  
DATE

Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

	LAWYER'S NOTES		
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